



52 - 2

* THEOLOGICAL SEMINARY, *
* FALL *
* BOOKS *
* Princeton, N. J. *
* From the Rev. W. B. SPRAGUE, D.D. Sept. 1839. *

Case,	Division
Shelf,	Section
Book, 2-	No.

SCC
1890

REMARKS

Upon a late

DISCOURSE

O F

FREE-THINKING:

I N A .

LETTER to N. N.

B Y

By Richard Bentley

PHILELEUTHERUS LIPSIENSIS.

Dr Bentley

*Est genus hominum, qui esse primos se omnium rerum volunt,
Nec sunt. — — —*

— — — An audes

*Personam formare novam? Servetur ad imum
Qualis ab incepto processerit, & sibi constet.*

The SEVENTH EDITION with large Additions.

L O N D O N:

Printed for W. THURLBOURN at Cambridge,
and sold by Messieurs Knaptons, Innys and Manby,
Rivington, Birt, and Clay; Booksellers in London.
M, DCC, XXXVII. Price 2 s. 6 d.

Man: Coll:

10 18

7 11 31 12 12 12 12

12 12 12 12 12 12

12 12 12 12 12 12

12 12 12 12 12 12

12 12 12 12 12 12

To my very Learned and Honour'd

FRIEND N. N. D. D.

At LONDON,
GREAT-BRITAIN.

SIR,

YOUR many and great Civilities to me since our first acquaintance in the Low-Countries, and the kind office you then did me in conveying my Annotations on MENANDER to the Press, but above all your Taciturnity and Secresy, that have kept the true Author of that Book undiscover'd hitherto, if not unguess'd; have encourag'd me to send you these present REMARKS, to be communicated to the Public, if you think they deserve it: in which I doubt not but you'll exhibit a new proof of your wonted Friendship and Fidelity.

B

What

What occasion'd you this trouble, was the fresh arrival of a Country-man of ours from Your Happy Island; who brought along with him a small Book, just publish'd before he left London; which (as he says) made very much Discourse there. He knowing me to be a great admirer of the Books of your Nation, and to have competently learn'd both to write and speak your Language during my long stay at Oxford, made me a then agreeable Present of that new Discourse of Free-thinking.

I, who (as you well know) have been train'd up and exercis'd in Free Thought from my Youth, and whose borrow'd Name PHILELEUTHERUS sufficiently denotes me a Lover of Freedom, was pleas'd not a little at so promising a Title: and (to confess to you my own Vanity) could not help some aspiring Thoughts from pressing and intruding on me, That this Rising and Growing Society might one Day perhaps admit into their Roll a humble Foreigner Brother, a Free-thinker of Leipfic.

But

But when once the Curtain was drawn, and by a perusal of the Book the private Cabbala and mysterious Scheme within became visible and open, that Expectation and the Desire itself immediately vanish'd. For, under the specious shew of Free-thinking, a Set and System of Opinions are all along inculcated and dogmatically taught; Opinions the most slavish, the most abject and base, that Human Nature is capable of. And upon those terms, neither you, I fancy, nor I, shall ever make our Court for admittance into their Club.

This irksome disappointment that my fine Present should dwindle so far, as to be below the value of waste Paper, rais'd a hasty Resolution in me to write some Remarks on it. And I find I shall have much the same Employment, as I had before on Menander. For I am here too to deal in Fragments; the main of the Book being a Rhapsody of Passages out of Old and New Writers, rak'd and scrap'd together, by the joint labour of many hands, to abuse all Religion. O infelices laborum! Had I been at their Consultation, I could have furnish'd them

with many more : and I will now inform them, that if they will read all Galen, and the Greek Commentators on Aristotle, they may find two or three Passages much fitter for their purpose, than any they have brought.

As for the Gatherings out of your English Authors, most of which are modern, and many still alive ; I know you will not expect from me that I should examine those Citations. The Books are not to be found in Leipzig, having not yet passed the Seas to Us : the Writers are but private men, and even Your Church is not answerable for what they say or print : not to add that I, by Birth and Education a Lutheran, am not concern'd in any particular Doctrines of your Church, which affect not Christianity in common. However, if our Free-thinker has shewn no more Ability nor Sincerity, where he alleges the English Writers, than where Latin or Greek ; he will soon have a just Answer by some of your own Divines.

*I should now enter upon my Remarks, but that I am first to excuse myself, why
I give*

I give you not the Stile of Honour, customary in England, I mean, the Title of REVEREND. The Author indeed has made me sick of it, by his flat insipid Drollery in tacking it to every Name he mentions, six times together perhaps within as few lines. Can this now pass for Wit among you? Is this reckon'd Good Breeding or Urbanity? What's become of the old English Taste and Finesse? Who may not be witty at this cheap rate, if he dares but be impudently dull? Give a loose to such vulgar sordid Raillery, and the very best of Quality, even Royalty itself, even ipsa sua sacra Caesarea Majestas may be abus'd by its own Title with an affected and sneering rehearsal of it. Yet this may be borne with however, and is therefore pardonable, because its contemptible: but when Buffoonery grows up to Impiety, and dully profanes the most adorable Names, Holy Apostles, Blessed Saviour, Ever blessed Trinity, by a fulsom Repetition or a blasphemous Irony; I must own to you I want English Words to express my just Sentiment. May the Man grow wittier and wiser, by finding this Stuff will not take nor please: and since, by a little smatter-

ing in Learning and great conceitedness of himself, he has lost his Religion; may he find it again by harder study, and a humbler mind. For the misery of it is, He that goes a Fool into Atheism, (as all are that now go) must come out of it like a Fool too (if ever he comes) unless he acquires Ten times the Knowledge that's necessary for a common Christian.

R E-

REMARKS.

I.

QUOD *dedit principium adveniens ?* was said of *Thraso* in the Comedy. And our Author, to give us as good a taste of his Sufficiency, sets out with this Sentence in his very Dedication. * *As none, says he, but artificial designing Men, or crackbrain'd Enthusiasts, presume to be Guides to others in matters of Speculation ; so none, who think they ought to be guided in those matters, make choice of any but such for their Guides.* Now, besides the falseness of the Propositions, here is a small figure in Rhetoric, call'd Nonsense, in the very turn of this Sentence. For if *None* but designing and crackbrain'd Men presume to be Guides to others ; those *others*, that make use of Guides, must needs have Them and no other. Where then is the *Choice* ? Or what power is there of *chusing*, when there's

* *Pag. 4.*

no room for comparifon, or preference? As *none*, fays he, but Priests prefume to be Guides, fo none make *choice* of any other Guides but Priests. As no member of the body prefumes to fee but the *Eye*, fo no Man makes *choice* of any other Member to fee with, but the *Eye*. Is not here now an admirable Period, with exact propriety of word and thought?

But to pardon the false connexion of his *As* and his *So*; pray, what are we to underftand here by *Matters of Speculation*? Why, all Speculation without exception, every branch of *Mathematics*, and all *Science* whatever: for there is not one word preceding, that reftains the fenfe to *Speculations in Theology*. So that by this Man's reasoning we are to fay thus: No Man muft take *Euclid* or *Archimedes*, Our *Leibnitz*, or Your *Newton*, or any one elfe dead or living, for his Guide in Speculation. They were *designing Men* or elfe *crackbrain'd Enthusiafts*, when they prefum'd to write Mathematics, and become Guides to others. As for our Author, though he owns * *all Arts and Sciences* muft be

* Pag. 9, 10, 11.

known, to know any *One* thoroughly ; that not *one* of them can be omitted, if you pretend to be a Judge in *one single Book, the Bible*, 'tis so very *miscellaneous* ; yet, if you will believe him, he renounces all Guides, and is his own Master, self-taught. He's a great Astronomer without *Tycho* or *Kepler* ; and an Architect without *Vitruvius*. He walk'd alone in his Infancy, and was never led in hanging-sleeves. And yet this mighty Pretender has not broach'd one Doctrine in all his Book, which he has not borrow'd from Others, and which has not been dictated by blind Guides many Ages ago.

But we'll indulge the Man a little more, and suppose he did not mean *Speculations* at large, but only in matters of Religion. And then the Sentence will run thus ; *That none else presume to be Guides to others in speculative Points of Religion, but either artificial designing Men, or crackbrain'd Enthusiasts*. Now the Man is in his true colours ; and, though he blunder'd in the Expression, this was the Thought he endeavour'd at. And by this we must infer, *That Erasmus, Grotius, Bochart, and*
other

other great Men, that have wrote Commentaries on the Bible, and *presum'd to be Guides to others*, were either *crack-brain'd Fools*, or *designing Knaves*. Nay this Author's beloved, *Monsieur le Clerc*, must come in too for the hard choice of one of these Epithets. And yet, what is strange, these very Men, with more of your own Nation, the *Chillingworths*, the *Spencers*, the *Cudworths*, the *Tillotsons*, are honour'd in other parts of his Book, and recommended as *Free-thinkers*. What Inconsistence is this? What Contradiction? No matter for that: That's a necessary ingredient in his Scheme and his Writings: *Huic aliter non fit, Avite, liber*. What he here prescribes to others, we must take for his own Method: He defies all Guides and Interpreters; he disclaims all assistance; he'll decide upon all points *freely* and *supinely* by himself; without Furniture, without proper Materials. And, to speak *freely*, one would guess by his crude Performance, that he's as good as his word.

II.

In the close of his Dedication he says thus : * *It is therefore without the least hopes of doing any good, but purely to comply with your request, that I send you this Apology for Free-thinking.* If I am not mistaken, as I may be about a foreign Language, That expression of *Doing any good* is capable of two senses : either of which I shall easily concede to the Author. If he means, *he had not the least hopes of doing any good*, that is, of doing any good Service, real Benefit, true Advantage to any one by his Book ; I am afraid, that sense was true in his *Intention*. Or, if he despair'd of *doing any good*, that is, of having any Effect and Success in making Converts by his Book ; I question not, but That too will be true in the *Event*.

But though here in the *Epistle* he quite despairs, *without the least hopes of doing good* ; yet in the *Epilogue* he's a little more sanguine. For there he speaks of an *Endeavour to do good*, which very Endeavour has no place without some

* Pag. 4.

degree of Hope. He advises, there his Patron, to conceal the Name of his *Esquireship*, if he commits the Book to the Preſs. * *For*, ſays he, *I think it Virtue enough to Endeavour to do good, only within the bounds of doing your ſelf no harm.* Now this is a true Atheiſtical *Moral*: do good no further, than you are ſure not to loſe by it; keep your dear Perſon and Interſt out of *harm's* way. But the Chriſtian Inſtitution ſupply'd him once with nobler Sentiments: in the practice of which the Holy *Apoſtles* and *Martyrs* voluntary laid down their Lives; a very odd ſort of *Prieſtcraft*. Nay the Heathen Philoſophy would have taught him more elevated Thoughts; if he had not choſen for his *Guide* (however he rails at all *Guides*) the worſt Sect of all.

III.

† *By Free-thinking*, ſays he, *I mean, The uſe of the Underſtanding, in endeavouring to find out the meaning of any Propoſition whatſoever, in conſidering the nature of the Evidence for or*

* *Pag.* 178.

† *Pag.* 5.

againſt

against it, and in judging of it according to the seeming force or weakness of the Evidence. Now we'll allow him, what he desires, that his Definition is *extensive* enough ; for it comprehends the whole herd of Human Race, even Fools, Madmen, and Children ; for they use what Understanding they have ; and judge as things seem ; he has *extended* it so artfully and with Logical Justness, that in a Definition of FREE Thinking there is not a Syllable about *Freedom*. 'Tis really no more, than *Think and Judge as you find* ; which every Inhabitant of *Bedlam* practises every day, as much as any of our illustrious Sect.

But, perhaps, I am mistaken ; and the Notion of *Freedom* superadded to *Thinking* may be implied in those two Pronouns, *Any whatsoever*. And then indeed the soberer part of Mankind, who judge for themselves no further than their Education has fitted them, are wholly excluded ; and the *Crackbrain'd* and *Bedlamites* are taken in. *Oliver's* Porter, as I have been told, would determine daily *de omni scibili* ; and, if he had now been alive, might have had the first Chair in this Club. For a modern
Free-

Free-thinker is an Universalist in Speculation; *any* Proposition *whatsoever* he's ready to decide; *every day* * *de quolibet ente*, as our Athor here *professes*; Self Assurance supplies all want of Abilities; he'l interpret (as you'l see presently) the *Prophets and Solomon* without *Hebrew*, *Plutarch and Zosimus* without *Greek*, and *Cicero and Lucan* without *Latin*.

The Characteristic of this Sect does not lie at all in the Definition of *Thinking*, but in stating the true meaning of their adjective FREE. Which in fact will be found to carry much the same Notion, as *Bold, Rash, Arrogant, Presumptuous*, together with a strong Propension to the *Paradox* and the *Perverse*. For *Free* with them has no relation at all to outward Impediment or Inhibition (which they neither do nor can complain of, not with you in *England* I am sure) but means an inward Promptness and Forwardness to decide about Matters beyond the reach of their Studies, in *opposition* to the rest of Mankind. There is nothing plainer through his whole Book, than that He himself makes Singularity, Whim, and

* *Pag. 5.*

Contradiction to be the specific Difference, and an essential part in the Composition of a *Free-thinker*. If *Origen*, *Erasmus*, *Grotius*, &c. chance to have any *Nostrum* against the Current of common Doctrine, they are presently of his Party, and he dubbs them *Free-Thinkers*; in all the rest of their Writings, where they fall in with the common Opinions, they are discharg'd by him with Ignominy; even proscib'd as *Unthinkers*, *Half-thinkers*, and *Enemies to Free-thinking*. Why this unequal Usage, unless he thinks *Freedom of Thought* to be then only exercis'd, when it dissents and opposes? Has not the World for so many Ages thought and judg'd *freely* on *Euclid*, and yet has assented to all his Propositions? Is it not possible, to have us'd the like *freedom*, and yet close in with the Apostle's Creed, Our Confession, or Your Articles? Surely I think as *freely*, when I conclude my Soul is Immaterial; as the Author does, when he affirms His to be made of the same Materials, with that of a Swine.

Another Idea couch'd in their adjective FREE, is Jealousy, Mistrust, and Surmise. 'Tis a firm persuasion among them, That
there

there are but two sorts in Mankind, Deceivers and Deceived, Cheats and Fools. Hence it is, that dreaming and waking they have one perpetual Theme, *Priestcraft*. This is just like the opinion of Nero, * *who believ'd for certain, that every Man was guilty of the same Impurities that He was; only some were craftier than others to dissemble and conceal it.* And the Surmise in both Cases must proceed from the same Cause; either a very corrupt Heart, or a crazy and crackbrain'd Head; or, as it often happens, Both.

IV.

† *This Definition cannot, he conceives, be excepted against by the Enemies of Free-Thinking, as not including the Crime with which they charge Free-Thinkers in order to render them odious to Unthinking People.* His Definition,

* *Suet. Ner. c. 29. Ex nonnullis comperi, persuasissimum habuisse eum, neminem hominum pudicum, aut ulla corporis parte purum esse; verum plerosque dissimulare vitium, et calliditate obtegere.*

† *Pag. 5.*

as we have seen, includes nothing at all in it, besides *Thinking* and *Judging*; there's nothing in it to describe *Free*, which he left us to supply: and, as we find in the whole tenour of his book, That word does really *include* not one *Crime* only, but many. Take the general definition, exclusive of the *Crime*, and compare it with the title of his book, and the latter will be found either flat nonsense in itself, or a contradiction to the whole. *This discourse*, says the title, *was occasioned by the Rise and Growth of a Sect call'd Free-Thinkers*. Why then it had the stalest occasion that ever poor discourse had: For the *Rise* of of that *Sect* (if the general definition constitutes it) is as early as the creation of *Adam*; or (in his Scheme, who hints his willingness to believe * *Men before Adam*) even much earlier than that. Nay, if we may guess at his Creed from his Poet *Manilius* †, the *Sect* must have *risen* without any *rise*, and have its *growth* from all *Eternity*. For, when ever the Species of Man existed, 'tis most certain there must have been *Free thinkers*, as far as this de-

* Pag. 160.

† Pag. 151.

fnition goes. They began at once with the *Free-Breathers*, the *Free-Hearers*, and the *Free-Smellers*; and are every whit as numerous and populous as those are.

Again, pray consider the words a *SECT* of *Free-thinkers*: that is, a Rope of Sand; a Sum of Cyphers; a Commonwealth of Savages, where no body governs, nor no body obeys,

Νομάδες, ἀγέει δ' ἑδὲν ἑδεῖς ἑδενός.

SECT, *Seçta* or *Disciplina*, is a Company of Persons agreeing in the same System of Opinions and Doctrines; the words have their derivation a *seçtando* & *discendo*, from following and learning; as the *Platonic Sect* follow'd the Doctrine of *Plato*; the *Peripatetic* of *Aristotle*. Now a modern *Free-thinker*, that professes he will neither follow nor learn; that renounces all *Guides* and *Teachers*, as either *Crack-brain'd* or *Cheats*; how can this unsociable Animal be ever of a *Sect*? 'tis a contradiction in terms, and a thorow piece of nonsense.

But surely the Author had some meaning when he gave that Title to his Book. No doubt of it: and the Book itself explains it. For under all this pretence to *Free-thinking*,

thinking, He and his Friends have a Set of Principles and *Dogmata*, to which He that will not *Assent* and *Consent* (I cannot say *Oath* and *Subscription* are requir'd) shall be excluded the Sect. That the Soul is Material and Mortal, Christianity an Imposture, the Scripture a Forgery, the Worship of God Superstition, Hell a Fable, and Heaven a Dream, our Life without Providence, and our Death without Hope like that of Asses and Dogs, are parts of the glorious Gospel of these truly * *Idiot Evangelists*. If all your *Free-thinking* does not centre in these Opinions, you shall be none of their Family. Claim your right as long as you will upon the terms of the *Definition*; plead that you have *thought freely*, impartially, and carefully upon all those Propositions; and that in all of them *the force of Evidence* has drawn you to the contrary side; protest against this foul play, that while they clamour about *Free-thinking*, they themselves impose Creeds and Terms of Communion; that the Author, while he rails at all *Guides*, obtrudes himself as a *Guide* to others; all this shall avail you nothing:

you shall never be incorporated into the *rising and growing Sect*, till you own that That's the only *Free-thinking*, to *think* just as They do.

V.

He now proceeds by Five Arguments to prove every Man's Right to *Free-thinking*, according to that *Definition*: a very needless and useless labour: for no Religion, nor Sect, not the very Papists, deny it. 'Tis as necessary to the Rational Mind, as Respiration is to the Vital Body. Without this all Religions that were, are, or may be, are equally commendable. Christianity itself depended on it at its first propagation: the Reformation was grounded upon it, and is maintain'd and supported upon the same bottom. We shall leave therefore his Five Arguments to prove what none deny; only make some *Remarks* upon his Ignorance and Unfairness in several Incidents, that he has slid into by the By.

* He runs a parallel between *Free-thinking* and *Free-painting*; which latter he laments is not more cultivated in *Great*.

Britain; and can never be brought to *Perfection* there, unless *suitable Encouragements* be given to *Free-painters*, so as *numbers of Men and many Hands* may be employ'd and encourag'd. Now here is a pretty broad and palpable insinuation, that by changing the terms of the Parallel is to hint to the Public, that a *suitable Encouragement should be given to Free-thinkers*; so that more Hands and Heads may be invited to so meritorious a Work. I could scarce have believ'd he would have shewn himself so soon. What, already offering at Stipends and Salaries and Benefices for his Sect? He more than once in his Book grudges the great charge the Public is at, in providing for so many *Priests*: and what gainer would the Public be, if it turn'd out the *Christian Priests*, and with an equal or greater charge maintain'd *Atheist Preachers*? For really that would be the case, and the Man has reason to put in for Salaries betimes. For whenever Atheism should be general and establish'd, then even *Christianity* would become *Free-thinking*. And, if provision was not settled for Parochial Lectures every week, the People would be apt to relapse again from the new Na-

tional Church. So that all that the Public would save by the bargain is, to change the Persons not the Expence; and, instead of the present Possessors of the Pulpit, to have an equal number of *Reverend*, and *Right Reverend*, and *Most Reverend* Preachers of Atheism.

VI.

He affirms, That * *Time, Labour and Numbers of Hands* are necessary to bring *Thinking* in any Science whatever to tolerable perfection: The first notions will be rude and imperfect; Time and Maturity are requir'd towards any degree of Justness. Now, since the Sect of *Free-thinkers* by his own account is but now *rising and growing*, and the *Æra* of it is plac'd no earlier than Your late *Revolution*; You may take his own argument and word for it, That the *Thoughts* in this Discourse of his for want of due Maturation are all crude and undigested. And really without his indication, αὐτὸ δείξει, the Thing itself will speak so before I've done with his Book. But however in the next Generation, when more Progress is

made in *Thinking*, and more Numbers are come in; he seems to promise they will write better.

* *All Sciences and Arts*, says he, *have a mutual Relation, Harmony, Dependency and Connexion; and the just Knowledge of any One cannot be acquir'd without the Knowledge of all the Rest.* Weigh now this Man's Abilities in his own Scale. He declares he judges *every day De quolibet ente*; and yet to every single *Quodlibet* he acknowledges as necessary the whole Circle of Sciences. A very *Hudibras* in perfection; no Nut is too hard for his Teeth:

Nil intra est olea, nihil extra est in nuce duri.

And yet this *Great Promiser* with all the assistance of his Club perpetually betrays a profound ignorance in all Science, in all Antiquity, and in the very Languages it is convey'd in.

VII.

Homer's ILIAD he admires, † *as the Epitome of all Arts and Sciences.* And by This now one would guess he had read it in the Original. Be it so: and

* Pag. 8, 9.

† Pag. 9.

when he hears there's an *Odyssæis* of *Homer*, he will read and admire that too. Well, where are the footsteps of this vast Knowledge in *Homer*? Why, for instance, says he, *he could never have describ'd, in the manner he has done, a Chariot or a Chariot-wheel without the particular knowledge of a Coach-maker; such knowledge being absolutely necessary to that description.* Here's your justness of Thought. What, nothing less than a Coach-Maker's knowledge? Would not a Coach-Man's have serv'd the turn? At this rate our Friend *Homer* (as poor and blind as some have thought him) was the ablest *Jack of all Trades* that ever was in Nature. *Hippias* the *Elean*, who preach'd and blazon'd his Arts at the Olympic Games, That all his Habit from head to foot, and every Utensil for his house, was made with his own hands; was an *Idiot Evangelist* to him. For, by the same rule, when *Homer* describes a Ship under sail, he had the *particular knowledge* both of a *Ship-Carpenter* and a *Pilot*: when he describes the *well-booted Greeks* and several sorts of *Shields* and *Sandals*, he had the *particular knowledge* of *Tychius*, *στυγτόμων ὃν ἄριστος*, the very Prince
of

of all Shoemakers. And yet I am apt to fancy, if our Author had no better an Artist than the old Poet for his shoes, he would be as sorry a *Free-walker*, as he is now a *Free-thinker*.

To prove *Homer's* universal knowledge *a priori*, our Author says, * *He design'd his Poem for Eternity, to please and instruct Mankind.* Admirable again: *Eternity* and *Mankind*: nothing less than all Ages and all Nations were in the Poet's foresight. Though our Author vouches that he *thinks every day De quolibet ente*, give me leave to except *Homer*; for he never seems to have thought of Him or his History. Take my word for it, poor *Homer* in those circumstances and early times had never such aspiring thoughts. He wrote a sequel of Songs and Rhapsodies, to be sung by himself for small earnings and good cheer, at Festivals and other days of Merriment; the *Ilias* he made for the Men, and the *Odyssëis* for the other Sex. These loose Songs were not collected together in the form of an Epic Poem till *Pisistratus's* time, above 500 years after. Nor is there one word in *Homer* that presages or promises Im-

* Pag. 9.

mortality to his work; as we find there is in the later Poets, *Virgil, Horace, Ovid, Lucan* and *Statius*. He no more thought at that time that his *Poems* would be *immortal*, than our *Free-thinkers* now believe their *Souls* will; and the proof of each will be only *a parte post*; in the Event, but not in the Expectation.

VIII.

* *The BIBLE*, says he, *is the most miscellaneous Book in the World, and treats of the greatest variety of things; Creation, Deluge, Chronology, Civil Laws, Ecclesiastical Institutions, Nature, Miracles, Buildings, Husbandry, Sailing, Physics, Pharmacy, Mathematics, Metaphysics and Morals.* Agreed; and what is his Inference from this? Why, *Free-thinking* is therefore necessary: *for to understand the matter of this Book, and to be Master of the whole, a man must be able to think justly in every Science and Art.* Very true! and all he has here said of his Sciences is requisite, were Your *English Bible* suppos'd to be the very Original. Add therefore to all the Requisites here enumerated

* Pag. 10, 11.

a sufficient Skill in the *Hebrew* and *Greek Languages*. Now pass your verdict on the Man from his own evidence and confession. *To understand the Bible*, says he, *requires all Sciences*; and two *Languages* besides, say I. But it's plain from his Book that he has already condemn'd the whole Bible for a Forgery and Imposture. Did he do it without *understanding the matter* of it? That's too scandalous for him to own. We must take it then, that he professes himself accomplish'd in all *Sciences and Arts*, according to his own rule.

Quid tulit hic tanto dignum promissor biatu?

Where has He or any of his Sect shewn any tolerable Skill in *Science*? What dark passages of *Scripture* have they clear'd, or of any Book whatever? Nay, to remit to him his *Sciences and Arts*, what have they done in the *Languages*, the shell and surface of *Scripture*? A great *Master of the whole Bible* indeed, that can scarce step three lines in the easiest *Classick Author* produc'd by Himself, without a notorious blunder.

IX.

* *Among the Absurdities that follow from not Thinking Freely*, he mentions that of the *Pagans*, who, he says, *suppos'd God to be like an Ox or a Cat or a Plant*. Our Author means the *Aegyptians*; and its plain here from the next clause, that he puts God under the present *Idea* and known Attributes of that Name, as Christians now conceive it. A rare Judge in Antiquity, and fit to decide about Scripture. The Matter is no more than this. The *Aegyptians*, who chiefly liv'd upon Husbandry, declar'd by Law, that all those Animals which were useful to Agriculture, or destroyers of Vermin, should be *holy, sacred and inviolable*; so that it was death to kill any of them, either designedly or by chance. These they consider'd as instruments of Divine Providence towards the support of human Life: ‡ and without that view they consecrated none. So that it was only a Civil and Political worship in the Legisla-

* Pag. 13.

† Herodotus in Euterpe.

‡ Cicero de Nat. Deor. I. Aegypti Nullam bell'uam, nisi ob aliquam utilitatem quam ex ea caperent, consecraverunt.

tors;

tors; and had very little of Sacred even among the Vulgar. This is plain from what * *Diodorus* says, *That they paid the same honours to them when dead, as when alive.* But our Author's conception here is really so *absurd* and so monstrous, that the silliest Pagan in all *Egypt* would have been asham'd of him. For, according to his notion and the present meaning of the word God, they declar'd it death by Law to *kill an immortal and omnipotent Cat*: and decreed divine Honours to it after its *Immortality* and Deity was *dead*. When *Thinking* is by longer time come to some perfection in the Sect, they will learn perhaps, that the Objects of worship in *Paganism* and *Polytheism* had not all the Attributes, nay generally not *one* of them, that we now by advances in Science and Thought justly ascribe to God: and they may have the pleasure of insulting several of the Clergy, that have wrong stated the notion of Heathen Idolatry. In the mean time I'll recommend to him one Thought, when he's dispos'd to *think De quolibet ente*; What divine Attributes the *Ægyptians*

* *Diod. lib. I.* Σεβόνται ἕνια τῷ ζῶντι Αἰγύπτιοι, ἔ ζῶντι μόνον, ἀλλὰ καὶ τελευτήσαντα.

thought of, when they worship'd, as good Authors assure us, *Crepitum ventris*.

X.

But the most antient Fathers of the Church were as bad as his *Aegyptians*: * *for They, says he, no less absurdly suppos'd God to be material.* And you are to *suppose* he's a Droll here when he says, *no less absurdly*; for, if I wholly mistake not the Cabbala of his Sect, He himself *supposes* God either to be *material*, or not to be at all. With a few of the Fathers the matter stands thus: They believ'd the Attributes of God, his Infinite Power, Wisdom, Justice and Goodness, in the same extent as we do: but his Essence, no more than we can now, they could not discover. The Scriptures, they saw, call'd him *Spiritus*, *Spirit*; and the human Soul *Anima*, *Breath*: Both which in their primitive sense mean *Aerial Matter*; and all the words that the *Hebrew*, *Greek* and *Latin* of Old, or any Tongue now or hereafter can supply, to denote the Substance of *God* or *Soul*, must either be thus metaphorical, or else merely

* Pag. 13.

negative,

negative, as *Incorporeal*, or *Immaterial*. This, when he is in a mood for *Thinking*, he will find to be necessary *à priori*, for want of *Ideas*. What wonder then, if in those early times (for he knows, * 'tis by *gradual progress in Thinking that Men arrive at full knowledge*) some Fathers believ'd that the Divine Substance was *Matter*, or *Body*: Especially while the very notion of *Body* was undefined and unfixt, and was as extensive as *Thing*? Was this such a shame in a few Fathers; while the *Stoics*, not a *rising* and *growing*, but a *flourishing* Sect at that time, maintain'd *Qualities* and *Passions*, *Virtues* and *Vices*, *Arts* and *Sciences*, nay *Syllogisms* and *Soloecisms* to be *Bodies*? But the real shame is, that in these brighter days of knowledge, when *Matter* and *Motion* have been thorowly consider'd; and all the Powers of *Mechanism* discuss'd and stated; our Author and his Sect should still contend both in discourse and in print, *That their Souls are material*. This they do with such Zeal, as if they should be great gainers by the Victory. And, by my consent, let's close with them upon the debate. Let them but put a previous

* *Pag. 8.*

Question,

Question, Whether there are in Mankind different Species of Souls? Let this once pass in the Affirmative; and Their Souls shall be allow'd as Corporeal and Brutal, as their Opinions, Writings and Lives seem to represent them.

XI.

His next Effort is a retail of some Popish Doctrines and Rites, * *Infallibility, Image-Worship, and Relicks*, which Our Church and Yours have long ago rejected. What's this then to the purpose, or what plea to the present *Free-thinkers* in *England*? Nay, he owns we are now rid of these Absurdities, and by whose labour and cost. They obtain'd, says he, almost universally, † *till the Thinking of a few, some whereof sacrificed their Lives by so doing, gave a new Turn to the Christian World.* This is manifestly meant of the first Reformers, and particularly those of *England*, who for freedom of Thinking laid down their Lives;

Atque animas pulchra pro libertate dederunt.

'Twas by the price and purchase of Their blood, that this Author and his Sect have

* Pag. 13. † Pag. 14.

at this day, not only the liberty, but the power, means, and method of Thinking; for together with Religion, all Arts and Sciences then rais'd up their heads; and both were brought about by the same persons. And yet this very honest and grateful Sect involves those very *Priests*, to whom they are indebted for all things, in the common crime with those that murder'd them; nay with *Talapoins, Bonzes, Pawawers*, and who not;

For Priests of all Religions are the same.

But some of the *Fathers* again displease him; for they were too severe and rigorous for men of his Genius; they disallow'd * *Self-defense, Second marriages, and Usury*. An Error sure on the right hand; which shews they had not the † *Priestcraft* of Pope *Pius* the fifth. And yet here, with his usual accuracy, he lays those things wide and in common, which were press'd upon the Clergy only, but in the *Laiety* conniv'd at. It is a crime too in the *Fathers* that

* *Pag. 14.*

† *Pag. 117.*

* *Antipodes* were not sooner demonstrated; nor the *Earth's motion about the Sun*. Very well: but pray who were the Persons that gave new light into these matters? All hearty professors and practisers of Religion, and among them several *Priests*. All these things were discover'd and perfected before this new Club had its *Rise*: nor is there the least branch of science, that any of their members either invented or improved.

XII.

† But now we have him for ten pages together with Image and Allegory; *Free-seeing* is substituted for *Free-thinking*, and a *Confession of Eye-sight Faith* for a *Christian Creed*; and then in a tedious parallel the several juggles of *Hocus Pocus* make the Emblem of *Priestcraft*. Argument in all this you are to expect none, there's no occasion for that: for Illustration, Similitude, Comparison, especially when turn'd to Ridicule and distorted into Farce, do the business much better; and, as I have

* Pag. 14.

† Pag. 15 to 25.

been told, work wonders for the *growing Sect*, and make Converts to admiration.

Suppose, says he, a set of men should fancy it was absolutely necessary to the peace of Society, or to some other great purpose, to hinder and prevent *Free-seeing*; and to impose a Creed and Confession and Standard of *Eye-sight Faith*. These Men, says he, must either be Madmen or designing Knaves; and what methods would they take? They would draw articles in flat contradiction to plain *Sight*; require subscription, and forbid opposition to them; explain, paraphrase, and comment upon them; settle pensions and salaries for those that preach and propagate them; traduce, punish, and persecute to the utmost all that disagree to them.

Now under this image you are to understand *Christianity*, and all *Religion* whatever: for our Author is playing *Hocus Pocus* in the very similitude he takes from that Juggler, and would slip upon you, as He phrases it, a *Counter* for a *Groat*. The true meaning of it is this: SUPPOSE *that Religion was first contriv'd, either by the Priesthood*

D 2

for

for lucre, or by the Magistrate for easy government. Why truly, if we suppose it to be a sham, we do suppose it a sham. A wonderful argument, and a mighty advance. Does he detain us in so many nauseating pages, and all along beg the question? A most formidable Man this for thought and demonstration.

XIII.

Well but he'll shew instances of religious juggle, in the * *Oracular Temples or Churches of the Pagans*. Pray mind the emphatic words *or Churches*, and admire the Author's penetration and discretion. For, without that prudent explication, *Temples* perhaps in Your language might have been misunderstood, and mistaken for *Inns of Court*. These Temples, he says, were contriv'd with many caverns and holes to produce fearful noises; and furnish'd with machines for the Priests to act their parts in. And pray, who taught him all this? is it not chiefly, and almost solely to be

* *Pag.* 19.

learnt from the *Christian Fathers*? Does not he own, * that the *Christians* as well as *Epicureans* were chas'd away by those Priests, before they would pronounce any Oracles? And yet throw this whole Book, by a worse trick than *Hocus Pocus*, the *Christians* are charg'd with the very frauds, that They either only or chiefly have discover'd.

But now for a specimen of his Learning again, which he sprinkles by the way. † *It was universally believ'd*, says he, *among ordinary people, That the Gods themselves came down from Heaven, and eat of the repasts which the Priests prepar'd for them at the peoples expence*: And again in the next page, *That the Gods came down to eat upon Earth*. Now did not I guess right that, for all his fine Panegyric upon the ‡ *Ilias* of *Homer*, he was little or not at all acquainted with that Poem? For, if he were, he would have learnt from thence, that in the Heathen notion the *Gods* could not *eat upon Earth*, nor devour human *repasts*:

* Pag. 20. He had it out of *Lucian's Alexander*. Ἐξω Ἐπικύρῃσι, ἔξω Χριστιανοί.

† Pag. 19.

‡ Pag. 9.

* Οὐ γὰρ σῖτον ἔδασ', ἔ πίνεσ' αἷθροπα οἶνον,
 Τένει' ἀναίμονές εἰσι, καὶ ἀθάνατοι καλέονται.

Whence therefore had our learned Author this bold assertion of *universal Belief*? Even from *Bel and the Dragon*; and what *his Mother* once taught him there, he ascribes to Paganism in common. The real matter is no more than this: when a Heathen Priest slew a victim, he had no more of it for his share than Law and Custom allow'd; scarce worth the labour of butchering: the entrals and most useless parts were burnt on the Altar; and the best of the victim was carried home to the Sacrificer's house, to be feasted on by his family and friends: and, if the Priest was invited too as a guest, it was a work of supererogation. Nor did the most credulous believe, that Gods came down and devour'd *Flesh*; nor was any such *Repast* set apart for Them. If any victuals was so set, either in Temples or the open Streets; it was well known, that the Sweepers of the fanes got the first, and the Poor of the town the latter. All they believ'd in relation

tion to the Gods, besides the piety and the prayers, was only, that the steam of the burnt Sacrifice ascended up to Heaven and delighted, or, if you will, fed the Gods. This *Homer* would have told him too, That *Libation* and *Steam* was the only share the Gods had in any offering :

* Λοιβῆς τε κνισσῆς τε, τὸ γὰρ λάχοντο γέρας ἡμεῖς.

Whence *Aristophanes* in his Play call'd *The Birds*, makes a City to be built in the Air, on purpose to stop all intercourse between Heaven and Earth, *That no Smoke from Sacrifices should ascend to the Gods*: and presently *Prometheus* is introduc'd bringing the news, *That the Gods were almost starv'd, having not had one particle of Steam, since Nephelococcygia was built*. 'Tis true indeed, there was another Notion, † that the Gods often came down from Heaven in human shape, to enquire into the actions of Men: and so like strangers and pilgrims were unawares entertain'd, and (seemingly) eat and drank with their

* *Iliad*, ♪ v. 49.

† *Odyss.* § v. 485.

Hosts. But this is nothing to the *Priests*, nor to the assertion of the Author: who no doubt will anon be found a most subtle Interpreter of *Solomon* and the *Prophets*; after he has been so miserably impos'd on by that silly and spurious Book, *Bel and the Dragon*.

XIV.

After a few threadbare narratives about the *Armenian*, *Greek*, and *Popish* Priests; the *miraculous Flame* at *Jerusalem*, and the melting *Blood* at *Naples*; he has his sling at *Us Lutherans*. * *The Lutheran Priests*, says he, *contrary to the testimony of mens senses, make their Followers believe, That the Body and Blood of Christ are super-added to the Bread and Wine*: which he parallels with an old story as lewd as it's vulgar. Now though I am more concern'd in *This Remark* than many Others, for the particular honour of *Our Church*, I design not to launch cut in a vindication of our Doctrine,

* *Pag. 25.*

which

which this Scribler understands no more than he did that of the *Aegyptians*. You know something of the University of *Leipsic*; we are reputed the greatest *Latitudinarians* and *Free-thinkers* of our Sect; not near so stiff and rigid as those of *Wittenberg* or *Jene*: and yet I'll tell this Author, if he had publish'd his wretched Libel with us, without any instigation from the Priests, the Magistrate would soon have taken care of him, either in a prison or a dark room. What his reception will be in *England*, I pretend not to guess. You have a glorious liberty there, the Parent of many noble books, which under a less freedom of thought would never have been wrote. And it's that novelty of notions that makes the product of the *English* Press so enquir'd after here. But I fear the outrageous licence of this Author and others of his stamp will in time have an unexpected effect; and oblige your government to abridge All of that good freedom which These have so much abus'd. And then we foreigners of curiosity, when we shall see nothing come from *Britain* but stanch and staple Postils, must curse the
the

the impious memory of this Writer and his whole Tribe.

XV.

Tantumne rem tam negligenter? The question he proposes to consider is no less than this, * *Whether the Christian Religion is founded on divine Revelation?* This he resolves to examine and determine *by himself*. And we may easily foresee what the sentence will be under so ignorant and corrupt a Judge. Nay his book sufficiently shews he has given his verdict already; and resolv'd that Darkness is brighter and more desirable than Light. Let us bestow a few reflections on his conduct; for, for all his noise about speculation *in general*, this question is the whole affair and business, the whole compass and sphere of modern *Free-thinking*.

What in common life would denote a man Rash, Fool-hardy, Hair-brain'd, Opiniatre, Craz'd, is recommended in this scheme as the true method in speculation. Are you dangerously sick?

* *Pag.* 26,

you

you will call an able Physician. Is your Estate threaten'd and attack'd? you'll consult the best Lawyer. But have you an affair upon your hands wherein your very Soul and Being and all Eternity lye at stake? (*— Neque enim ludicrapetuntur Præmia*) Why there you are to seek no help, but confide in your own abilities. That is, if you have a very deep and broad river to pass, scorn to ask for cork or bladders; flounce in and hazard all, though you have never learnt to swim.

This rational Author (*p.* 107.) puts the same objection to himself: and he notably answers it thus: *A Man*, says he, *of no Profession may have as much Law, Physick, and Divinity, as any Serjeant or Doctor of them all:* and then with a Quaker's story out of his Friend Mr. *Le Clerc*, he declares That to be a *happy Country, a very Paradise*, where none of those three *Professions* is admitted. And who doubts but in this Reply there's as much sense as good manners?

But for all this Author's great skill in *Physic* and *Law*, he'll hardly make himself sick on purpose: or bring on a trial
against

against his own Estate, to shew his great abilities. Why then will he needlessly and voluntarily run a risque for his Soul and Salvation? and fool-hardily put his head under a weight that may crush him to death? The strange difference in this conduct, when examin'd to the bottom, will open the whole Mystery of *Free-thinking* and *Atheism*.

'Tis plain, a Man that is born in a Christian country, if he is a just and good Man, has no Interest to wish That Religion false. The moral precepts fall in with his own opinion and choice; no restraints are laid upon him but what out of paternal affection he would forbid his own Son. No foreign Religion, much less the Atheistic Scheme, threaten him with any danger should he be here in an error. He's as safe as those that differ from him, were he really in the wrong. But then if it be true, what glorious promises and rewards! not superior only to other schemes, but beyond all human wishes. The speculative Doctrines in it, which affect the main chance, are very few and easy. If his Education has enabled him for't, he will examine them and the whole grounds of Faith;

Faith; and find them true to his satisfaction and comfort. If he's engag'd in active and busy life, he will acquiesce in the judgments of those, who have better means and leisure to know them.

Thus it is, will be, and must be, while Men lead such virtuous Lives as entitle them to the *Promises* of Religion. And were there not equal *Threats* in it on the other hand; were it all Heaven without any Hell, there would not be one Atheist, unless *crack-brain'd*, in Christendom. I positively affirm, that no Man in his senses, educated in our holy Religion, ever did or could fall from it to Atheism; till by considering his own actions and designs, he despair'd of the promises of Christianity, and look'd upon it with fear and terror.

In that case indeed, and in that alone, out of uneasiness of mind they wish all Religion was false; and that's the Original of modern *Free-thinking*. Then they ransack all impious books for objections against it: they are byass'd in their favour; a single Ounce in that scale buoys up a hundred in the other. *Pagans, Mahometans, Pawawers, and Talapoins*
are

are all good vouchers against Christianity. All that's said by *Christians* (and who else must speak for them) is suspected for craft and design. And the very ignorance of these *Free-thinkers* does them more service than knowledge. For who can deal with an *Ignoramus*, that is warped by his inclination, fixt there by his conceitedness, jealous of all contrary instruction, and incapable of seeing the force of it?

That This is the very case of our Author and those of his Club, is pretty notorious. Inquire closely into their lives, and there you will find the true reason why they clamor against Religion. For, when they have settled themselves in Atheism, they are then elevated with *Joy* and *Mirth*; as if they had obtain'd a great conquest. Now this is wholly unnatural; unless Religion is view'd by them as the greatest of terrors. What? rejoice that we have lost Immortality, and must dye like the beasts? Utterly impossible! all the springs of human passions resist and refute it. Misery at that rate may excite laughter, and Prosperity tears: Indignation may raise love, and Complacency revenge. But if once
Heaven

Heaven is desponded of, and Hell opens its horrible mouth; then indeed *Mountains are desir'd to cover us*; and the thoughts of destruction or annihilation may really produce *Joy*.

This, I say again, is the true Origin of *Free-thinking*, and not the force of any objections against the truth of Christianity: and, as a proof, I appeal to This very Book. For no doubt the Writer has couch'd in it the strongest objections he was master of. And yet Those are so old and stale, that if They could have any operation, Christianity would have been extinct above a thousand years ago. Well! but they had influence upon Him, and would have so upon others, if fear and force were remov'd, and men left at free liberty. So far from that; so far is our Author from seeing deeper into those objections than others before him; that, as I'll presently prove, he understands not the mere grammatical sense, much less the application and import of any old passage he cites.

XVI.

* It's the great benefit, says he, of *Free-thinking*, that the suppos'd power of the Devil in *Possessions* and *Witchcraft* has visibly declin'd in *England* since a liberty to think freely has been given and taken there. A quaint conceit indeed, and very far fetch'd. So that You in *Great Britain* owe it to this *rising Sect*, that you have not so many prosecutions of *Witches* as formerly. This is *Thraso* again exactly :

*Labore alieno magno partam gloriam
Verbis in sese transmovet, qui habet salem.*

I do not think any *English* Priest will or need affirm ingeneral, That there are now no real instances of Sorcery or Witchcraft ; especially while you have a public Law, which They neither enacted nor procur'd, declaring those practices to be Felony. But I must needs say, that while I sojourn'd among you I observ'd fewer of the Clergy give in to particular

* *Pag. 29.*

stories

stories of that kind, than of the Commonalty or Gentry. In the dark times before the Reformation (not because they were popish, but because unlearn'd) any extraordinary disease attended with odd symptoms, strange ravings or convulsions, absurd eating or egestion, was out of ignorance of *Natural* powers ascrib'd to *Diabolical*. This superstition was universal, from the Cottages to the very Courts: nor was it ingrafted by priestcraft, but is implanted in human nature: no nation is exempted from it; not our author's *Paradise of New Jersey*, where no *Priests* have yet footing: if the next ages become unlearn'd, That superstition will, I will not say return, but spring up anew. What then has less'n'd in *England* your stories of force-ries? Not the *growing Sect*, but the growth of philosophy and medicine. No thanks to Atheists, but to the Royal Society and College of Physicians; to the *Boyles* and *Newtons*, the *Sydenhams* and *Ratcliffs*. When the people saw the diseases they had imputed to witchcraft quite cured by a course of physick, they too were cured of their former error: they learn'd truth by the *event*,

E

not

not by a false position *a priori*, That there was neither Witch, Devil, nor God. And then as to the frauds and impostures in this way, they have most of them been detected by the *Clergy*; whom our Writer here wickedly libels as complices and parties in them. The two strongest books I have read on this subject were both written by *Priests*: the one by Dr. *Becker* in *Holland*; and the other by a Doctor of your own, whose name I have forgot, that was afterwards Archbishop of *York*.

XVII.

We are now come to his II. Section, where he brings several arguments to prove the duty and necessity of *Free-thinking upon religious questions*. Now take *Free-thinking* in that open sense that Himself takes it in when he ascribes it to *Chillingworth*, *Taylor* and *Tillotson*, and you may grant all his arguments, and yet quite disappoint him. But if you take it in that interior meaning that the members of his club do, as a modish and decent word for *Atheism*, then all his arguments are mere trumpery; and his
con-

consequences from them are as short as his occasional learning in them is shallow.

One of his capital arguments is from the *evil of* * SUPERSTITION; which *terrible evil* and *great vice* can never be avoided but by turning *Free-thinker*; that is (in plainer *English*) abandoning all religion. Strange! that *Superstition* and *Religion*, which have been distinguished and divided this two thousand years, should yet stick so fast together that our Author cannot separate them: so that to ease himself of the one, he must abdicate both. His dismal *description* of it is in the words of *Cicero*; which chiefly relate to little bigotries in civil life, not to fabulous conceptions about the Supreme Being. And his inference from thence is exactly as if I should now say to you, *Sir*, you must renounce your baptism and faith or else you can never be rid of those *terrible superstitions* about the *Death-watch*, *Thirteen at one Table*, *Spilling of salt*, and *Childermas-day*.

Page 33.

XVIII.

But you'll know the Man better, as also his great reading and penetration, when you see how he manages and translates that passage of *Cicero*: I'll give you it here both in the original and our Author's version.

* *Instat enim (Superstitio) & urget, & quo te cumque verteris, persequitur: sive tu vatem, sive tu omen audieris; sive immolaris, sive avem aspexeris; si Chaldaicum, si Haruspitem videris; si fulserit, si tonuerit; si tactum aliquid erit de caelo; si ostenti simile natum factumve quippiam: quorum necesse est plerumque aliquid eveniat; ut numquam liceat quietam mentem consistere. Perfugium videtur omnium laborum & sollicitudinum esse somnus: at ex eo ipso plurimae curae metusque nascuntur. Cic. de Div. II. 72.*

If you give way to superstition, it will ever haunt and plague you. If you go to a Prophet, or regard Omens; if you sacrifice, or observe the flight of birds; if you consult an Astrologer or Haruspex;

if it thunders or lightens, or any place is consum'd with lightening, or such like prodigy happens (as it is necessary some such often should) all the tranquillity of the mind is destroy'd. And sleep itself, which seems to be an asylum and refuge from all trouble and uneasiness, does by the aid of superstition increase your troubles and fears.

Now if it shall appear that our Author has misconstrued almost every part and *comma* of this passage; that he has made the first parts contradict the last, and so has put his own nonsense upon the great original; that he has weaken'd his own design, and made the place speak with less strength against superstition than it really does; what apprehensions are we to have of so formidable a Writer?

The whole tour of the passage is this: A man given to superstition can have no security, day or night, waking or sleeping: for occasions of it will *force* themselves upon him, *against his will*; do what he can to prevent them: and so all the particulars here specify'd are *involuntary* and *unsought*.

Sive tu vatem, sive tu omen audieris : if you go to a Prophet, says our Translator, or REGARD Omens. Pray, where's the latin to answer go and regard? or where is common sense, thus plainly to beg the question? For if one goes upon superstitious errands, no doubt he's troubled with superstition. The true sense is this: *If you hear a Lunatic or Frantic in the streets foretelling some mischiefs ; if a word is spoken accidentally in your hearing, which may be interpreted ominous.* The *Vates* or *Divini* were Mad-fellows bawling in the streets and roads ; and their predictions might be contemn'd, but must necessarily be heard, if you came that way.

Sive immolaris, sive avem aspexeris : A man was obliged often to sacrifice, even by his office : and birds must needs be seen, if one stopt but out of Rome. These occurrences therefore were unavoidable ; and so Cicero meant them. *Si Chaldaeam, si Haruspicem videris ;* If you see them ; and That could not be prevented, all public places being haunted with them. But what does our Translator make of these? *If you sacrifice,* says he, or OBSERVE the flight of birds ; if you

CONSULT an *Astrologer* or *Haruspex*. Pure nonsense again ; and point blank against *Cicero's* meaning : one makes that done by *design*, which the other makes by *accident*. If by *accident*, then it's true that superstition *inflat* & *urget*, *haunts* and *plagues* one ; and there's no escaping it : but, if by *design*, 'tis labouring in a *Fairy* circle ; 'tis begging and supposing the thing in debate.

To pass in silence his false version of *De caelo tactum*, *consum'd with lightening*, instead of *blasted* ; the next instance of his dulness surpasses all belief. *Si ostenti simile natum factumve quippiam* ; that is, *If any monster is born, or something like a prodigy happens* ; as raining of blood or wheat or the like. You see *Cicero* says *ostenti simile*, LIKE a *prodigy* ; for his part in that discourse was to deny there were *true* prodigies. A monster with two heads was no prodigy, but was occasioned by natural causes : the blood or wheat was either a mistake, or was carried up by a whirlwind. But behold now how our Translator has managed it : *if any SUCH-LIKE prodigy happens*. This version, I am sure, is a greater prodigy than any of them all.

What, *Ostenti simile*, a *such-like* prodigy? 'Tis manifest by his constructions he join'd them in the same case, as Adjective and Substantive. Stupidity incredible! I'll leave every man to his own astonishment, and say no more of the matter. I'll only ask him, not where his *Grammar*, but where his *Brains* were; when, by owning and confessing *such-like prodigies*, he frustrated both *Cicero's* and his own argument?

To go on once more; *quorum necesse est plerumque aliquid eveniat*; that is, *Of which things* (all that were enumerated before) *some or other* MUST frequently happen. Observe that MUST, *necesse est*, must happen of necessity. And now you see, what I said before, that our Translator has made the first parts of the passage contradict the last. If he had had the least grain of sagacity; this last *comma* might have guided him to the true meaning of the former; that the instances must all be *accidental*, and not *voluntary* and with design. Take the several instances rekon'd up, and it's hardly possible to pass one day in common life but some objects of superstition will necessarily present themselves: but

is it *necessary* to go to Prophets, to regard Omens, to *observe* Birds, to *consult* Astrologers? Surely these four verbs have the signification of *choice*, not of *necessity*. And now, Gentlemen of the *English* Clergy, what think you of your *Free-thinker*? Did I not promise for him that he would manage his old passages with great ability and dexterity?

Dixin' ego in hoc esse vobis Atticam elegantiam?

XIX.

He's so pleas'd with this subject of *superstition* that he holds us in it still with two most common citations: for what can there be that is not so in *Horace* and *Virgil*? *Horace*, it seems, despises *Dreams*, *Witches*, *Spectres*, and *Prodigies*; and *Virgil* goes something further. And what then? Both these were bred young in the *Epicurean* school, and so speak here the language of their sect. They prove nothing, they only affirm. And so the argument is no more than this; miracles, religion, the pains of Hell are false, because *Epicurus's* doctrine

wa

was against them. A notable proof indeed were the passages never so well handled, but, as ill luck and worse ignorance would have it, he has maim'd and murder'd them both. Take that of *Horace* with the Author's version :

*Somnia, terrores Magicos, miracula, fagas,
Nocturnos Lemures, portentaque Theffala rides?*

Are you so much above Superstition, as to laugh at all dreams, panic fears, miracles, witches, ghosts, and prodigies?

Magicos terrores, panic fears in the translation; so very unhappily, that both the words are wrong. For *terrores* are not *fears* here, the internal passion of the mind; but external *terrors*, the tricks and artifices of *Wizards* to fright, scare, and terrify. And then by substituting *Panic* for *Magic*, he has just serv'd *Horace* as he did *Cicero*; and made him talk compleat nonsense. A general fright falling upon an army or city as if the enemy was at the camp or the gates, when the alarm was found to be false and groundless, the *Greeks* call'd a *Panic*; as if the God *Pan* was the author of it. Now it's plain that these
frights

frights (when there's probability in the alarm, and the enemy lies within due distance) can never be known to be *panic* and vain till the business is over. In the mean time wise and foolish are both under the *panic*: Φεύγοντι καὶ παῖδες θεῶν, says *Pindar*; in such cases *the very heroes and sons of the Gods run away*. What sense therefore can he make of this *english* he has bestow'd on *Horace*? *Are you so much above superstition as to laugh at panic fears?* What, laugh in the beginning or height of them? Here's a sudden alarm comes at midnight that all *Rome* is on Fire: is not *Horace* to stir out of his bed, but to fall a *laughing* and lye still? A sagacious interpreter! not to reflect that *panic fear* is no object of superstition; and consequently could not come in with the rest of that list in *Horace*. Unless his Worship will say that the precept here is, *to laugh at panic fears after they are known to be so*. A merry precept indeed! which Those that were most scared, will be the readiest to follow; when once their fears are vanish'd, and the alarm is over.

XX.

And now for the passage of *Virgil*, and his accurate translation:

*Felix, qui potuit rerum cognoscere causas,
Atque metus omnes, & inexorabile fatum
Subjecit pedibus, strepitumque Acherontis avari.*

* *Happy is the man who has discover'd the causes of things, and is thereby cured of all kind of fears, even of death itself, and all the noise and din of Hell.*

Happy, says the Poet, in the first place is the *Philosopher*; in the second the *Countryman*. Now under the notion of a *Philosopher* he describes an *Epicurean*; having been bred under his master *Sciron*, a teacher in that Sect: and in three lines he has admirably couch'd the principal opinions they were known by or valued themselves upon, *That there is no Divine Providence, no destiny nor divination, and no immortality of the Soul.*

* *Pag. 37.*

Rerum

Rerum cognoscere causas, discover the causes of things. Of what *things*, and with what *design*? Of all the meteors in the heavens, thunder, lightning, &c. and of things on earth that are seemingly portentous and miraculous; in order to rid men's minds of all religion and its fears. For in the *Epicurean* scheme, *The ignorance of causes* was the sole cause of religious fears; as *Lucretius* avers, with whose comfortable lines our Author may here entertain himself:

*Cetera, quae fieri in terris caeloque tuentur
Mortales, pavidis cum pendent mentibu' saepe,
Efficiunt animos humiles formidine Divûm,
Depressosque premunt ad terram; propterea quod
IGNORANTIA CAUSARUM conferre Deorum
Cogit ad imperium res, & concedere regnum:
Quorum operum causas nulla ratione videre
Possunt, ac fieri divino numine rentur.*

'Tis plain therefore what *Virgil* means by *causes*: and then *Atque metus omnes subjecit pedibus, who has lain all fears under the feet*, is as if he had said, Has trampled and triumph'd over all Religion: for That the Poet understands here by
fears.

fears. METUS, *religio*, says *Nonius Marcellus*; for which he cites these verses of the *Aeneïs*,

*Laurus erat tecti medio in penetralibus altis,
Sacra comam, multosque metu servata per annos.*

Where *Servius* too agrees with him; METU, says he, *religione, quae nascitur per timorem*. And so *Lucretius* very dreadfully paints *Religion*:

*Quae caput a caeli regionibus ostendebat,
Horribili super aspectu mortalibus instans.*

Whence by the way you may observe, that the old Masters in Atheism, as well as the Disciples of the new Club, took shelter in their System out of pure *dread* and *fear*.

The next *comma* of the passage is *Inexorabile fatum*, *Inexorable Fate*; by which the Poet means, That the *Epicurean* doctrine had trampled down the whole notion of *Destiny* and *Divination*. That the followers of that Sect denied Εἰμαρμένην καὶ Μαντικὴν, *Fate* and *Predictions*, is too vulgarly known to be here prov'd or insisted on. And so we are
come

come to the last clause, *Strepitumque Acherontis avari*; where every one sees the *Epicurean* assertion, *That the Soul dies with the Body*.

To return now to our learned Writer. How dextrously has he manag'd his game to bring a passage, that bears full against all *religion* whatever, as levell'd against some small bigotries and *superstitious fears*? And what a proper inference has he added? *Well has Virgil spoke thus; For by Free-thinking alone we know that God made and governs the world.* What from this passage of *Virgil* that's directly against *Creation* and *Providence*? Never sure was poor *FOR* put so hard to't before, or imploy'd in such bungling work. He understood not one line of the place, as will appear by his version. *And is thereby cured, says he, of all kind of fears, even of death itself.* What does the man talk of *cured*? Is *cured* the same with *subjecit pedibus*? Is the *cure* of one man's private fears (any more than of his *corns*) the same with *trampling under foot the fears of all mankind*, and the whole notion of *Religion*? For That, as I have said, is the thought

thought of the Poet, and is borrow'd from these lines of *Lucretius*.

*Quare RELIGIO PEDIBUS SUBJECTA vicissim
Obteritur, nos exaequat victoria caelo.*

And then, *Fatum in exorabile*, our wise Interpreter translates it *Death*; which the very epithet would have hinder'd; had he the least taste of good writing: though he'd known nothing of *Fatis avolsa voluntas*, the liberty of will, and contingency of all events, which *Epicurus* maintain'd against the *Stoics*. And yet, *The DIVINE Virgil*, says our judicious Author. He is very easily satisfied, if what little He comprehends of him, appears to have *divinity* in it. For let the Poet be never so *divine* in the original, it's plain he's lower than *human* in this Writer's version and understanding.

XXI.

Between the two passages of *Horace* and *Virgil*, our author scatters a short reflection, that shews his mighty learn-

learning. * *The evil, says he, of superstition is now much increas'd; and men are under greater terrors and uneasiness of mind than Pagans of old possibly could be, when they thought they hazard-ed less.* This manifestly shews that he thinks *eternal torments* were never imagin'd in the *Pagan* scheme, but were first introduc'd by Christianity. Just contrary. The vulgar in Paganism universally believ'd them, as his friend *Lucretius* would have told him in express terms:

—*Nam si certam finem esse viderent
Aerumnarum homines, aliqua ratione valerent
Relligionibus atque minis obistere Vatum:
Nunc ratio nulla est restandi, nulla facultas;
AETERNAS quoniam POENAS in morte timen-
[dum.*

Nay, this is the very thing that our Writer quoted out of *Virgil*, *Strepitus Acherontis avari*, the terrible noise and rumor of *Acheron*: to have trampled upon which would have been a foolish boast of the *Epicureans*, if the generality of mankind had not believ'd it. And what, pray,

* Pag. 36.

F

was

was the pretended privilege of the famous *Elusian* rites at *Athens*, in which *Augustus* himself was initiated? Was it not, that the partakers of them were convey'd into some happy station after death; while all the rest of men were for ever to be rowl'd, ἐν βορῶρι, in dirt and mire and other scenes of misery. And yet how low even that *Happy state* was commonly thought, appears from the sentiment of *Achilles's* Ghost in *Homer*: who, when he is complemented by *Ulysses* as the happiest of men both alive and dead, makes answer, That he had rather alive be a poor Day-labourer to the meanest Peasant than be *Emperor of all the Dead*.

* Ἡ πᾶσιν νεκύεσσι καταφθιμένοισιν ἀσάσσειν.

'Tis so false then what our Author lays down here, That the Pagan religion gave less uneasiness in life because they thought they *hazarded less* after death than We Christians think we do, that it's certain they thought bad men *hazarded as much*, and good men *obtain'd* infinitely *less*.

* *Odyss.* Δ. v. 490.

XXII.

He comes now to a IVth argument for the absolute necessity of *Free-thinking on religious questions*, and that is * *from the infinite number of pretenders to Revelation*; which he afterwards dully repeats under another head in the † *Bramins, Persees, Bonzes, Talapoins, and Dervizes*, to which he might have added several more. Now here is his perpetual juggle about his term of art, *Free-thinking*. Take it in the common sense, and we agree with him. Think *freely* on all the various pretenses to revelation: compare the counterfeit *Scriptures* with the true; and see the divine lustre of the one, to which all the others serve as a foil. It was upon this very account that Christians took the pains to translate and publish them; not to confound Religion, but to confirm it. And yet the occult meaning of our Author is, from the variety of *Scriptures* to insinuate none is true. An argument as weak as it is stale; and baffl'd over and over. Could

* Pag. 40.

† Pag. 52.

this reasoning have any effect, Christianity had never begun. For besides the true *living Oracles* of the Jews, was not the whole world then full of false ones, written and divulg'd? and *Oracular Temples* (or *Churches* if he will) then in being to deliver out more? even *suppose* Christianity to be true; yet those impostures must necessarily be, while human nature is what it is: and our Scriptures have foretold it. Is That then a good argument *backwards* against the truth of any thing, which *a priori* is plain must happen so; tho' that thing be *allow'd* to be true?

But a very extraordinary line has slip'd from our Author here; *If a man, says he, be under any obligation to listen to any revelation at all.* This thought it seems was a little *too free*, and so a *Dele* corrects it in the list of *Errata*. 'Tis very easy to sift and toss this fine thought, which would afford good diversion: for besides its own silliness, it contradicts all the rest, and spoils the whole grimace of the book. But we'll spare it, since the Author himself has chastis'd it; at the hint (I suppose) of a graver member of the club, who was not for discovering the

the whole farce at once, and shewing the Actors to be mere *Puppets*.

XXIII.

We have heard here of the much applauded foundation of your *Society for propagating the Gospel in foreign parts*; which this despicable Scribler, though he owns it is supported and encourag'd by * *Her most Excellent Majesty* and the Chief Persons of the Kingdom, dares openly ridicule. This is much such a sawcy and slovenly *Freedom* as the rest of the *Greeks* laugh'd at in the Islanders of *Corfu*;

Ἐλευθέρα Κέρκυρα, χέζ' ὅπως θέλεις.

Corcyra certe libera est ; ubi vis, caca.

For our cleanly Author here assumes the like or worse licence, to lay his filth and ordure even upon the throne and the altar.

We envy not your due *Liberty*, the most valuable blessing of good government: but if such insults even upon Ma-

* *Pag.* 41.

jeſty itſelf and all that's accounted ſacred are allow'd among you with impunity, it gives no great preſage of your laſting proſperity ;

— *nimia illaec licentia*

Proſecto evadet in aliquod magnum malum.

But to leave unpleaſing thoughts ; and for once *to answer a fool according to his folly.* Are the *Talapoins of Siam* then to be put here upon a level with the whole *Clergy of England* ; the light and glory (if they are not chang'd all on a ſudden) of preſent chriſtianity ? and this done by a ſorry Retailer of atheiſtical ſcraps, which he underſtands not three lines of ; but at the firſt offer of a tranſlation betrays his ſtupidity ? Is He to *draw out your Divines*, whoſe names we know not here becauſe he has mangl'd them ; but conclude them to be men of worth and diſtinction, from the very credit of his abuſing them ? If he is once for *drawing out*, and reviving the old trade of *Ἀνδραποδοκαπηλία* *ſelling and exporting of men* ; it may perhaps be found more ſerviceable to your government, to oblige your *East India Company* to take on board

board the whole *Growing Sect*, and lodge them at *Madagascar* among their confess'd and claim'd kindred (since they make Themselves but a higher species of Brutes) the *Monkeys* and the *Drills* : or to order your new *South Sea Company* to deliver them to the *Spaniards* as part of the *Affiento*, to be *Free-diggers* in the mines there ; and after a decent time in that *Purgatory* to convey them to their *Happy Country*, their * *Paradise of New Jersey* ; where neither *Priest*, nor *Physician*, nor *Lawyer* can molest them.

XXIV.

Well, but Vithly † *the Gospel itself*, and our *Saviour* and his *Apostles* by their own example, recommend *Free-thinking*. Grant the Scribler this argument ; if *Free-thinking* is taken in its legitimate sense, as *Chillingworth*, *Hooker*, and *Wilkins* made use of that freedom. But if he juggles as usually in the term of Art ; what greater nonsense, Than that *Christ* and his *Disciples* should recom-

* Pag. 108.

† Pag. 44.

mend Atheism? But our Author's learning is here again admirably display'd. St. Paul, says he, *when he went into the Synagogues of the Jews, and reason'd with them, took a very extraordinary step, as now it would be look'd on*; and so he compares it to PENN the Quaker's going into St. Paul's, or Mr. WHISTON's into the House of Convocation, to reason there against the *Establish'd Church*. Penn's name has been long known among us in Germany; and the latter we have lately heard of in the *Journals* and *Bibliothèques*. But how ignorant and stupid is this Writer with his foolish comparison? The fact he speaks of and quotes, *Acts* XVII, 2, 3. was done at *Thessalonica*, a Pagan city in *Macedonia*: and was the *Jewish Synagogue* the *Establish'd Church* there? or rather allow'd upon *Toleration*? But to pardon him this, and suppose the thing done in *Judea* itself, where our Saviour often did the same: was it any thing like to *interrupting Divine Service*, or *disturbing the proceedings of a Synod*? Our Author knows not one tittle of the manner and custom of a Synagogue. After reading a few sections out of the Law
 and

and the Prophets, the ablest men of the Assembly us'd to stand up and expound the passages read : and if any stranger or person of note chanc'd to be there, he was ask'd by them, if he had any discourse to impart to the Congregation. This is expressly affirm'd by *Philo* the Jew and others ; and appears clearly from *Acts* xiii. 15. where at *Antioch* in *Pisidia* the Rulers of the Synagogue seeing *Paul* and *Barnabas* strangers there, sent unto them, saying, *Ye Men and Brethren, if ye have any word of exhortation for the people, say on.* So that if even *Penn* and *Whiston* should do no more, but speak when desir'd by authority, it would be no extraordinary step at all. The only step here that appears very extraordinary is our Author's bold leaping into the dark ; and blundering about matters, where he's quite blind and ignorant.

XXV.

But he proceeds in his argument from our Saviour's Gospel and Example ; and declares it impossible, * *That Christ should*

* *Pag.* 46.

should give so partial a command, as to contain a reserve in behalf of any set of Priests, in prejudice of the general rules of Free-thinking. Our Author is very often orthodox, when he opposes what no body affirms; or affirms what no body opposes. And yet that very Orthodoxy is all artifice and craft, to insinuate as if the Clergy did really maintain the one, or deny the other. Pray, who is it that challenges such a reserve? He has named a *Reverend Doctor* here of his side: name another, if he can, that's against him. The thing he seems to contend for is true and allow'd him: but he has given such an awkward reason for it, as would spoil his own inference; if better hands than His did not support it. † *All the Priests upon earth*, says he, *being* (in our Saviour's life-time) *enemies to Him and his Gospel; and He giving the privilege of infallibility to no body besides his Apostles; He could not be secure that any Priests could ever be otherwise.* Is the stupidity of this greater, or the impiety? Was not He *secure* of That,

† Pag. 46.

who

who declar'd, *He would be with his Church to the end of the World*; and that *the gates of Hell should never prevail against it* ? But to let this pass (for if I mistake not our Author's principles, he had rather be prov'd an impious or knavish Writer ten times, than a silly one once) I affirm further, that this assertion of his is absolute nonsense ; though *Jesus Christ* were *suppos'd* to be an Impostor. For his argument lies thus : Because the *Jewish* and *Pagan* Priests were once enemies to *Christ* and his Gospel, He could not be *secure* that *any* of his OWN Priests would ever be otherwise. A most powerful Syllogism ! At this rate no Sect of Philosophy, no Heresy, nor false Religion would ever have been set up or thought of. Because all other Sects oppos'd *Zeno* when he first founded *Stoicism*, he could not be *secure*, that the *Stoics* his own followers would ever do otherwise. Because *Socinus* found all people at first against Him and his notions, he could not be *secure* but that the very *Socinians* would always be as much against them. Because all Priests abhor'd *Mahomet's Alcoran* when first it was broach'd, He could not be *secure*,
that

that his own *Musties and Dervizes* would not always abhor it. This, you'll say, is very strange : but I'll concede our Author one thing, which looks a little parallel to it ; That tho' He's the Chief of the *rising and growing Sect*, and has publish'd their *New Gospel* ; he cannot be *secure*, that his own Fraternity and members of the Club may not soon be asham'd both of Him and It.

XXVI.

And now we come to a new argument *from the conduct of the Priests* ; which by a tedious induction is branch'd out into ten instances, and takes up half a hundred pages. And what will be the grand result ?

Nae iste hercle magno jam conatu magnas nugas dixerit.

The sum of it is no more than this, *The Priests cannot agree among themselves about several points of doctrine ; the attributes of God, the canon of Scripture, &c. and therefore I'll be of no religion at all.* This threadbare obsolete stuff, the most obvious surmise that any wavering Fool catches

catches at when he first warps towards Atheism, is dress'd up here as if it was some new and formidable business.

What great feats can our Author now promise himself from this ; which, after it has been tried age after age, never had influence on mankind either in religious concerns or common life : *Till all agree, I'll stand neuter.* Very well ; and till all the world speaks one language, pray be you mute and say nothing. It were much the wiser way ; than to talk as you have done. By this rule, the *Roman* Gentry were to learn no Philosophy at all, till the *Greeks* could unite into one Sect ; nor make use of any Physician, till the *Empirics* and *Methodists* concur'd in their way of practice. How came Christianity to *begin* ; since the objection now brought to *pull it down* was as visible and potent then as now ? or how has it subsisted so long, since all the present discord in opinions does not near amount to the sum of what *Epiphanius* alone collected above a thousand years ago ? Nay how came our Author's new Sect to be *rising* and *growing* ; since the Atheists are as much at variance among themselves, and
can

can settle and centre in nothing? Or, if they should resolve to conspire in one certain System; they would be *Atheists* indeed still, but they would lose the title of *Free-thinkers*.

This is the total of his long induction; but let us see his conduct in the parts of it. Some *Fathers* thought *God to be material*; this he has said and I have answer'd before in *Remark the Xth.*
 * *Several antient Christian Priests of Egypt were so gross, as to conceive God to be in the shape of a man.* If they did so, they were no more gross than his Master *Epicurus*, who was of the very same opinion. But it's fatal to our Author ever to blunder when he talks of *Egypt*. These *Priests of Egypt* were all illiterate *Laymen*: the Monks or Hermits of those days, that retir'd into the desert, the fittest place for their stupidity. † *But several of your English Divines tax each other with Atheism, either positively, or consequently.* Wonderful! and so because three or four Divines in your Island are too fierce in their disputes, all We on

* *Pag. 47.*

† *Pag. 48.*

the great Continent must abandon Religion. Yes, but the * *Bramins*, the *Mahometans*, &c. *pretend to Scriptures as well as We*. This too has come once already, and is considered in *Remark* the XXII: but being so great a piece of news, deserv'd to be told twice. And who, without his telling, would have known, that the † *Romish Church* received the *Apocrypha* as canonical? Be that as it will; I am sure it is unheard of news, that Your Church receives them as || *Half-Canonical*. I find no such word in your Articles; nor ever saw a *such-like prodigy* before. *Half Canonical?* what idea, what sense has it? 'tis exactly the same, as *Half-Divine*, *Half-Infinite*, *Half-Omnipotent*. But away with his *Apocrypha*; He'll like it the worse while he lives, for the sake of *Bel and the Dragon*.

XXVII.

But now to make room for his learning again: For ‡ *the Rabbi's*, says he, *among the Samaritans, who now live at*

* Pag. 52. † Pag. 53. || Pag. 53. ‡ Pag. 53.

Sichem

Sichem in Palestine, receive the five Books of Moses for their Scripture; the copy whereof is very different from Ours. What shall I admire most, his ignorance, or his impudence? Why the RABBI'S at *Sichem*, exclusive and by way of distinction? Does not the whole *Samaritan* Nation receive the *Pentateuch*, as well as their *Rabbi's*? 'Tis just as if he had said; *Among the English, the Reverend Divines receive the Bible.* But is not their Copy of the Five Books of *Moses* VERY DIFFERENT from Ours? No question, he has often affirm'd This with great sufficiency at his Club; though he does not know one letter of the language. The *Samaritan* Pentateuch has now been printed above half a Century; and the various readings, wherein it differs from the *Jewish*, have been twice collected and publish'd, even to the minutest letter; first by *Morinus* at *Paris*, and afterwards anew by *Your Walton* at *London*; both of them *Priests*. I have perus'd those various lections; and do affirm here on my own knowledge, that those two Copies differ no more from each other, than the same book, *Terence, Tully, Ovid,*
or

or the like, differs from itself in the several Manuscripts that I myself have examin'd. So that it's a plain demonstration that the copies were originally the same: nor can better evidence be desir'd that the *Jewish* Bibles have not been corrupted or interpolated, than this very Book of the *Samaritans*; which, after above 2000 years discord between the two nations, varies as little from the other, as any *Classic* Author in less tract of time has disagreed from itself, by the unavoidable slips and mistakes of so many Transcribers. And now does not our Author come off victoriously with his *Rabbies of Sichem*?

Well, but the * *Samaritans* 'have a *Chronicon*, or *History* of themselves from *Moses's* time, which is lodg'd in the publick Library at *Leyden*, and has never been printed; and this is quite different from that contain'd in the *Historical Books* of the *Old Testament*. Here's now a fly insinuation of some great discoveries to be made out of this Book: and yet the mighty matter is no more than this; *Joseph Scaliger*

* Pag. 53.

above a hundred years ago procur'd this Book from *Sichem*, and left It among others by his Will to the Library at *Leyden*. There it's name has long appear'd in the printed catalogue ; it has been transcrib'd more than once ; and one Copy, formerly Professor *Golius*'s, has fallen into the hands of my learned friend Mr. *Reland* at *Utrecht* : whereof take his own account. 'Tis called *The Book of Joshua*, but its Author is not named : 'tis written in *Arabic* ; since *Mahomet*'s time most certainly, but how much since is not known : it pretends to be a translation from the *Hebrew*, but it's only its own Voucher ; there being no fame now remaining of any such original. It consists of about L chapters ; xxxix of which make the sole story of *Joshua* ; six chapters more reach as low as *Nebuchadnezzar* ; the very next comes to *Alexander the Great*, and his travels thorow the Air ; the next makes a long stride to the Emperor *Hadrian* ; and two more to the time of *Alexander Severus*. This is the noble *Chronicle* that our judicious *Free-thinker* would place above the Bible ; when the very *Sichemites* do not place it

it so high as his own jargon *half-Canonical*. 'Tis pity a Man of so fine a taste, and the *Maecenas* of the new Club, (since he hints with such concern, that *it is not yet publish'd*) should not be oblig'd at his own charge to get it translated and printed.

XXVIII.

The very view of the following pages fills me with disdain, to see such common stuff brought in with an air of importance. * *Hebrew and Septuagint ; Gospels according to the Hebrews and Egyptians ; The Traditions of Matthias, and the Secrets of Peter : Apostolic Constitutions, and Gospel of James ; and the different notions of Priests concerning Inspiration.* And what of all these, or half a hundred more, that my learned and *Lutheran* Friend Dr. *Fabricius* has amass'd together ? Has our Author a mind to read and *think* of them ? Think *freely* and welcome : For I suppose that was the design my Friend had in the publication. Or is he rather

* Pag. 54.

at his old play, that he'll regard no Scripture at all, till all Christians among themselves, and *Talapoins* with them, can agree? *Jubeas stultum esse libenter*: let him have license to play the Fool; since he answers his own argument in the very words where he puts it. * *For All*, says he, *who build their Religion on Books, must from the nature of things vary about the Books themselves, their Copies, and their Inspiration.* Here's now both the poison and the antidote in one. For if it's necessary *from the nature of things* that Men shall so differ in their opinions; that difference is no argument *backwards* to prove the falseness of all those Books. Unless the Man will prove *a priori*, that Revelation ought not, cannot be communicated and convey'd to us in *Books*. Which when he performs; or finds out a better Method; it shall be allow'd to be the first Instance of *Science* or *Art*, that the *Growing Sect* has invented.

* *Pag.* 56.

XXIX.

But notwithstanding he has fore-answered *from the nature of things* all that he can say about *different interpretations*, yet he proceeds in xx tedious pages to enumerate those differences, which he ranges under xii heads; and before them puts a long preamble out of your learned Bishop *Taylor*. That Prelate, it seems, has with great acuteness and eloquence display'd the difficulties in acquiring a full and perfect knowledge of all the abstruse places of Scripture; affirming at the same time, That all the necessities to Salvation and moral Duties are deliver'd there most clearly and openly. Well, and what does our wise Author gain from the Bishop's confession? Has not He himself gone a great deal further, and made * *all the Sciences and Arts*, every imaginable part of knowledge, to be requisite towards having a just notion of that *miscellaneous Book, the Bible*? If it be so; what wonder is it (nay

* Pag. II.

what miracle were it otherwise) that, in an allow'd freedom of *Thinking* and *Printing*, your *English* Divines should have different opinions? nay that the self-same man by advances in age, and by progress in study should differ from Himself? I have run over the citations here out of *Taylor*; and find scarce one of those difficulties so peculiar to Scripture, as not to be common to other Authors to know which: with exactness, as becomes every Writer (especially a declar'd Adversary to a whole Order professing learning) is no easy and perfunctory matter; as our Author to his shame and sorrow may hereafter find and feel.

His XII heads of difference he has dispos'd in this order: *The nature and essence of the Divine Trinity, The importance of that article of Faith, The specific body at the Resurrection, Predestination, Eternal Torments, Sabbath or Lord's-Day, Episcopacy, Original Sin, Our Saviour's Human Soul, Lay-Baptism, Usury, and the power of the Civil Magistrate in matters Ecclesiastical.* About all these points and several others He could name, some of Your *English* Divines,

Divines, it seems, for want of *good conduct* have had contests and disputes : A most surprizing piece of news ! to You, as if none had heard of those books till this discovery ; and to Us, as if We were intirely free from the like disputations.

Now what would our Author have here ? Is he angry that All cannot agree ? Or will he make himself the Arbitrator ? If he'll be *Umpire* in all these questions, he has full liberty of *thinking* ; the path is beaten before him ; he may chuse what side he inclines to, or coin new notions of his own. As Your Church has not yet anathematiz'd nor censur'd any of these Divines, so He needs not turn Atheist on these accounts ; to purchase the right of *Free-thinking*.

But if he's *angry* that All agree not, and thinks it a disgrace to Religion ; or resolves to meddle with none of them till All are unanimous ; he must be put in mind of what he lately mention'd, *The nature of things*. For if he *forbids* thinking on *abstruse* questions, he contradicts his whole Book ; which asserts Men's right and title to *think de quolibet ente* : but if he *allows* them to think on them, diversity of opinions will necessarily

farly follow from the nature of the things. For how can men keep the same tract, where all walk in the dark? Or how can they agree in one story, where all tell their own dreams? If men needs will be prying into the hidden mysteries of Heaven; they'll certainly court a cloud instead of a Goddess: yet such discoverers and projectors there ever will be; and in *Divinity*, as well as *Geometry*, we have *squarers of the circle*.

XXX.

A second instance of Your *English* Clergy's bad conduct, is their owning * *the doctrines of the Church to be contradictory to one another and to Reason*; a III^d their owning † *abuses, defects, and false doctrines in the Church*; a IVth their professing || *That they will not tell the Truth*; a Vth their ‡ *charging the most judicious men of their own order with Atheism, Deism, or Socinianism*. Now as these accusations reach no further than some particulars among You; Our Church here is not in the

* Pag. 76. † Pag. 79. || Pag. 82. ‡ Pag. 85.

least,

least, and Yours (I think) is not much concern'd in them. If the Author really has not wrong'd them (as his usual unfairness gives cause for suspicion) it will be prudence in them to learn even from an enemy ; and to speak hereafter with more caution and discretion. All that a Stranger can do here, is to leave the persons to their own proper defence ; and the suppos'd *abuses and false doctrines* in your Church, to your own either refuting the charge, or remedying the defect. For what would our *Lutherans* here say of Me, if I should pretend to maintain, that Your Church has no blemish at all ? Though we justly esteem and honour it next to our Own.

XXXI.

But a VIth instance of their ill conduct, is their * *rendring the canon of the Scripture uncertain*. This is a heavy charge indeed ; and if they do not clear and vindicate themselves ; We, as well as this author, must call them to account. But what's the ground of the Indict-

* Pag. 86.

ment? *Why, Dr. Grabe, Dr. Mill, with some others affirm, that no Canon was made till above LX years after the death of Christ. If this be all, he has verify'd the sentence in the comedy ;*

Homine imperito numquam quicquam injustius.

For pray, what's the notion of the word *Canon*? An entire collection of the Sacred Writings, to be a *rule, standard, and system* to Christianity. Now according to those Doctors, and the plain matter of fact, all the books of the New Testament were not *written* till the year of Christ xcvi; and that is *above LX years after the death of Christ*. What sense is there in this complaint then? that the books were not collected before they were made? All the books we now receive for canonical were written occasionally between the Years lvi and xcvi. And during that interval of xlv years; every book, in the places whither it was sent, or where it was known, was immediately as sacred and canonical, as ever it was after. Nor did the church loiter and delay in making a canon or collection of them; for within two years
after

after the writing of St. *John's* Gospel the *evangelical Canon* was fix'd. And within X after that, an *Epistolical Canon* was made: quick enough, if it be consider'd, that they were to be gather'd (whither they had been directed) from so many and so distant parts of the world. So that it's plain to me this Collector of scraps did not know what a *Canon* or collection meant. I'll borrow his argument for one minute, and try it upon some classic authors. It's very plain that *Martial* publish'd every single book of Epigrams by itself: one generally every year; only sometimes he delay'd two or three. And so *Horace* (as Your *Bentleius* has lately shewn) set out his several books occasionally, from the xxvi to the LI year of his life. Now in the reasoning of our acute writer, I'll prove several books of those two authors to be *uncertain* and of dubious authority. For what do you tell me of the first book of the one's *Epigrams*, and of the other's *Satirs*? How do I know that those are genuine; when the *canon* of *Martial* and *Horace* was not fix'd and settled, till above xx years after Those are pretended to be written? Is
not

not this argument most strong, cogent, and irrefragable? So very valuable and precious; that, bear witness, I now return it safe and sound to its possessor and author.

XXXII.

Yes! but poor Dr. MILL has still more to answer for: and meets with a sorry recompense for his long labour of xxx years. For if we are to believe not only this wise Author, but a wiser Doctor of your own, he was * *labouring* all that while, *to prove the Text of the Scripture precarious*; having scrap'd together such an immense collection of *various readings*, as amount in the whole, by a late Author's computation, to above thirty thousand. Now this is a matter of some consequence, and will well deserve a few reflections.

I am forc'd to confess with grief, That several well-meaning Priests, of greater zeal than knowledge, have often by their own false alarms and *Panic* both frightened others of their own side, and

* Pag. 88.

given advantage to their enemies. What an uproar once was there, as if All were ruin'd and undone, when *Capellus* wrote one book against the antiquity of the *Hebrew Points*, and another for *Various Lectiōns* in the Hebrew Text itself? And yet time and experience has cur'd them of those imaginary fears: and the great Author in his grave has now that honour universally, which the few only of his own age paid him, when alive.

The case is and will be the same with your learned Country-man Dr. MILL; whose Friendship (while I staid at Oxford) and memory will be ever dear to me. For what is it, that your WHITBYUS so inveighs and exclaims at? The Doctor's labours, says he, make the whole Text precarious; and expose both the Reformation to the *Papists*, and Religion itself to the *Atheists*. God forbid! we'll still hope better things. For surely those *Various Readings* existed before in the several exemplars; Dr. Mill did not make and coin them, he only exhibited them to our view. If Religion therefore was true before, though such Various Readings were in being; it will be as true and consequently as safe still, though

though every body sees them. Depend on't; no truth, no matter of fact fairly laid open, can ever subvert True Religion.

The 30000 Various Lecti^ons are allow'd then and confess'd: and, if more copies yet are collated, the Sum will still mount higher. And what's the inference from this? why, one *Gregory*, here quoted, infers * *That no profane Author whatever has suffer'd so much by the hand of time, as the New Testament has done.* Now if this shall be found utterly false; and if the *Scriptural Text* has no more variations than what must necessarily have happen'd from *the nature of things*, and what are common and in equal proportion in all Classics whatever; I hope this *Panic* will be remov'd, and the Text be thought as firm as before.

If there had been but one manuscript of the *Greek Testament* at the restoration of learning about two centuries ago; then we had had no *Various Readings* at all. And would the Text be in a better condition then, than now we have

* Pag. 83.

30000? So far from That, that in the best single Copy extant we should have had hundreds of faults, and some omisions irreparable. Besides that the suspicions of fraud and foul play would have been encreas'd immensely.

It is good therefore, you'll allow, to have more anchors than one; and another *MS.* to join with the first would give more authority, as well as security. Now chuse that Second where you will there shall be a thousand variations from the First; and yet half or more of the faults shall still remain in them Both.

A Third therefore, and so a Fourth, and still on, are desirable; that by a joint and mutual help All the faults may be mended: some Copy preserving the True Reading in one place, and some in another. And yet the more Copies you call to assistance, the more do the Various Readings multiply upon you: every Copy having its peculiar slips, though in a principal passage or two it do singular service. And this is fact, not only in the New Testament, but in all antient books whatever.

'Tis a good providence and a great blessing, that so many Manuscripts of
the

the New Testament are still amongst us ; some procur'd from *Egypt*, others from *Asia*, others found in the *Western Churches*. For the very distances of places as well as numbers of books demonstrate, that there could be no collusion, no altering nor interpolating One Copy by another, nor All by any of them.

In profane Authors (as they are call'd) whereof One Manuscript only had the luck to be preserv'd, as *Velleius Paterculus* among the *Latins*, and *Hesychius* among the *Greeks* ; the faults of the Scribes are found so numerous, and the defects so beyond all redress ; that notwithstanding the pains of the learned'st and acutest Critics for Two whole Centuries, those books still are and are like to continue a mere heap of errors. On the contrary, where the Copies of any Author are numerous, though the *Various Readings* always increase in proportion ; there the Text, by an accurate collation of them made by skilful and judicious hands, is ever the more correct, and comes nearer to the true words of the Author.

Were

Were the very Originals of antient books still in being, those alone would supersede the use of all other Copies : but since That was impossible *from the nature of things*, since time and casualties must consume and devour all ; the subsidiary help is from the various transcripts convey'd down to us, when examin'd and compar'd together.

Terence is now in one of the best conditions of any of the Classick Writers ; the oldest and best Copy of him is now in the Vatican Library, which comes nearest to the Poet's own hand : but even That has hundreds of errors, most of which may be mended out of other Exemplars, that are otherwise more recent and of inferior value. I myself have collated several ; and do affirm that I have seen 20000 various lections in that little Author, not near so big as the whole *New Testament* : and am morally sure, that if half the number of Manuscripts were collated for *Terence* with that niceness and minuteness which has been used in twice as many for the *New Testament*, the number of the *variations* would amount to above 50000.

In the manuscripts of the *New Testament* the variations have been noted with a religious, not to say superstitious exactness. Every difference, in spelling, in the smallest particle or article of speech, in the very order or collocation of words without real change, has been studiously registred. Nor has the Text only been ransack'd, but all the Antient Versions, the *Latin Vulgate*, *Italic*, *Syriac*, *Aethiopic*, *Arabic*, *Coptic*, *Armenian*, *Gothic*, and *Saxon*; nor these only, but all the dispers'd citations of the *Greek* and *Latin* Fathers in a course of 500 years. What wonder then, if with all this scrupulous search in every hole and corner, the varieties rise to 30000? when in all Antient Books of the same bulk, whereof the MSS are numerous, the variations are as many or more; and yet no versions to swell the reckoning.

The Editors of profane Authors do not use to trouble their Readers, or risk their own reputation, by an useless list of every small slip committed by a lazy or ignorant Scribe. What is thought commendable in an edition of Scripture, and has the name of fairness and fidelity, would
in

in them be deem'd impertinence and trifling. Hence the reader not vers'd in antient MSS is deceiv'd into an opinion, that there were no more variations in the copies, than what the editor has communicated. Whereas, if the like scrupulousness was observ'd in registering the smallest changes in profane authors, as is allow'd, nay requir'd in sacred; the now formidable number of 30000 would appear a very trifle.

'Tis manifest that books in verse are not near so obnoxious to variations as those in prose: the transcriber, if he is not wholly ignorant and stupid, being guided by the measures, and hinder'd from such alterations, as do not fall in with the laws of numbers. And yet even in Poets the variations are so very many as can hardly be conceiv'd without use and experience. In the late edition of *Tibullus* by the learned Mr. *Broukhuiſe* you have a register of *various lections* in the close of that book; where you may see at the first view that they are as many as the lines. The same is visible in *Plautus* set out by *Pareus*. I myself during my travels have had the opportunity to examin several MSS of the poet

Manilius; and can assure you that the variations I have met with are twice as many as all the lines of the book. Our Discourser here has quoted nine verses out of it, p. 151: in which, though one of the easiest places, I can shew him xiv various lections. Add likewise that the MSS here used were few in comparison: and then do You imagin, what the lections would amount to, if ten times as many (the case of Dr. *Mill*) were accurately examin'd. And yet in these and all other books, the text is not made more *precarious* on that account, but more certain and authentic. So that if I may advise you, when you hear more of this scarecrow of 30000, be neither astonish'd at the Sum, nor in any pain for the text.

'Tis plain to me that your learned *Whitbyus*, in his invective against my dead friend, was suddenly surpriz'd with a *Panic*; and under his deep concern for the *Text*, did not reflect at all what that word really means. The present text was first settled almost 200 years ago out of several MSS by *Robert Stephens* a printer and bookseller at *Paris*: whose beautiful and (generally speaking) accurate

accurate edition has been ever since counted the standard, and follow'd by all the rest. Now this specific *Text* in your Doctor's notion seems taken for the sacred original in every word and syllable; and if the conceit is but spread and propagated, within a few years that *Printer's* infallibility will be as zealously maintain'd as an *Evangelist's* or *Apostle's*.

Dr. MILL, were he alive, would confess to your Doctor, that this *Text* fix'd by a Printer is sometimes by the various readings render'd *uncertain*, nay is prov'd certainly wrong. But then he would subjoin, that the real text of the sacred writers does not now (since the originals have been so long lost) lie in any single MS or edition, but is dispers'd in them all. 'Tis competently exact indeed, even in the worst MS now extant: nor is one article of faith or moral precept either perverted or lost in them; chuse as awkwardly as you can, chuse the worst by design, out of the whole lump of readings. But the lesser matters of diction, and among several synonymous expressions the very words of the writer, must be found out by the same industry

and sagacity that is used in other books; must not be risk'd upon the credit of any particular MS or edition, but be sought, acknowledg'd, and challeng'd, wherever they are met with.

Stephens follow'd what he found in the King of *France's* copies, Acts xxvii, 14.

Ανεμος Τυφωνικός, ὁ καλούμενος ΕΥΡΟΚΛΑΔΩΝ : and he is follow'd by your translators, *there arose against it a tempestuous wind, called EΥΡΟΚΛΑΔΩΝ*. This reading perhaps your learned Doctor would not have now be made *precarious* : but if that Printer had had the use of your *Alexandrian* MS, which exhibits here ΕΥΡΑΚΤΑΩΝ ; its very likely he would have given it the preference in his text : and then the Doctor upon his own principle must have stickled for this.

The wind *Euroclydon* was never heard of but here : it's compounded of εὖρος and κλύδων, the *wind* and the *waves* ; and it seems plain *a priori* from the disparity of those two ideas, that they could not be join'd in one compound : nor is there any other example of the like composition.

But Ευρακύλων, or as the vulgar *Latin* here has it, *Euroaquilo* (approv'd by *Grotius* and others) is so apposite to the context,

context, and to all the circumstances of the place; that it may fairly challenge admittance, as the word of St. *Luke*. 'Tis true, according to *Vitruvius*, *Seneca*, and *Pliny*, who make *Eurus* to blow from the winter solstice, and *Aquilo* between the summer solstice and the north point; there can be no such wind nor word as *Euroaquilo*: because the *Solanus* or *Apheliotes* from the cardinal point of east comes between them. But *Eurus* is here to be taken, as *Gellius* II, 22. and the *Latin* poets use it, for the middle aequinoctial east, the same as *Solanus*: and then in the table of the XII winds according to the Antients, between the two cardinal winds *Septentrio* and *Eurus*, there are two at stated distances *Aquilo* and *Καινίας*. The *Latins* had no known name for *Καινίας*: *quem ab oriente solstitiali excitatum Græci Καινίαν vocant; apud nos sine nomine est*, says *Seneca*, *Nat. Quaest.* V, 16. *Καινίας* therefore blowing between *Aquilo* and *Eurus*, the *Roman* seamen (for want of a specific word) might express the same wind by the compound name *Euroaquilo*; in the same analogy as the *Greeks* call *Εὐρόνοτος* the middle wind between *Eurus*

and *Notus* ; and as you say now *South East* and *North East*. Since therefore we have now found, that *Euroaquilo* was the *Roman* mariners word for the Greek *Καικίας* ; there will soon appear a just reason why *St. Luke* calls it *ἄνεμος τυφωνικός*, a *tempestuous wind*, *vorticosus*, a whirling wind ; for that's the peculiar character of *Καικίας* in those climates ; as appears from several authors and from that known proverbial verse,

Ἔλκων ἐφ' αὐτόν ὡς ὁ Καικίας νέφιν.

So that with submission I think our *Luther's* and the *Danish* version have done more right than your *English* to the sacred text, by translating it *NORD-OST*, *North East* : though according to the present compass divided into xxxii, *Euroaquilo* answers nearest to *OST NORD OST*, *East North East* ; which is the very wind that would directly drive the ship from *Crete* to the *African Syrtis*, according to the pilot's fears, in the 17th verse.

The *Alexandrian* copy then, though it has vastly increas'd the number of readings, as you see in your *Polyglott*
and

and Dr. *Mill's* edition, has been of excellent use here; and so in many other places: retrieving to us the true original, where other copies fail'd. And what damage if all the other copies of near the same antiquity, which Mr. *Mont-faulcon* has discover'd and Dr. *Mill* never saw, were sometime collated as exactly, and all the varieties publish'd; let the thousands grow never so many?

When the Doctor is so alarm'd at the vast sum of 30000, he seems to take it for granted, that within that number the very original is every where found; and the only complaint is, that true are so blended with false, that they can hardly be discover'd. If that were the only difficulty, some abler heads than ours would soon find a remedy: in the mean time I can assure him, that if that be the case, the *New Testament* has suffer'd *less injury by the hand of time than any profane author*; there being not one antient book besides it in the world, that with all the help of various lections (be they 50000 if you will) does not stand in further want of emendation by true critic: nor is there one good edition of any that has not inserted into the text
(though

(though every reader knows it not) what no manuscript vouches.

'Tis plain indeed that if emendations are true they must have once been in some manuscripts; at least in the author's original: but it does not follow, that because no manuscript now exhibits them, none more ancient ever did. Slips and errors (while the art of printing was unknown) grew presently and apace; even while the author was alive. *Martial* tells us himself, how one of his admirers was so curious, that he sent a copy of his poems which he had bought, to be * *emended* by his own hand. And we certainly know from † *Gellius*, that even so early as *Hadrian's* time and before, the common copies of *Virgil* had several mistakes.

Not frightened therefore with the present 30000, I for my part, and (as I believe) many others would not lament, if out of the old manuscripts yet untouch'd 10000 more were faithfully collected: some of which without question would render the text more beautiful, just and exact; though of no consequence to the

* *Martial* VII. 10. † *Gellius* I, 21. IX, 14.

main of religion, nay perhaps wholly synonymous in the view of common readers, and quite insensible in any modern version.

If all those remaining manuscripts were diligently perus'd, perhaps one might find in some or one of them a new various lection in 1 *Tim.* VI, 3. Εἴ τις ἐτεροδο-
 δατῆλεῖ, καὶ μὴ ΠΡΟΣΕΡΧΕΤΑΙ ὑγιαίνουσι λόγοις.
 τοῖς τοῦ κυρίου ἡμῶν Ἰησοῦ Χριστοῦ. For though
 the sense of Προσέρχεται is so fix'd by the
 adjacent words that no version has mi-
 staken it, *consents not to, acquiesces not*
in, the wholesome words of our Saviour;
 yet the propriety does not appear in the
 original, no example of that phrase have-
 ing yet been given. If some manuscript
 then should have it Προσέχεται or Προσίχε-
 ται, *cleaves and adheres to the wholesome*
words; who has reason to be angry at
 that variation? But I should sooner ex-
 pect to find ΠΡΟΣΕΧΕΙ; because προσέχειν
 λόγοις, *to give heed, attend, observe, listen,*
obey, is a known phrase as well in sacred
 as profane authors. So II *Peter* i, 19.
 ὃ λόγῳ καλῶς προσέχοντες. *Proverb.* i, 24.
 Ἐξέτεινον λόγους καὶ ἐπροσείχετε. *Jerem.* VI, 19.
 Τοῖς λόγοις μὲν ἐπροσέσχον. So in other places
 of the LXX, Προσέχειν ῥήσει, ῥήμασι, νόμῳ, ἐν-
 τηλαῖς.

τολαῖς So to the same effect, *Acts* viii, 6. προσέχειν τοῖς λεγομένοις. xvi, 14. τοῖς λαλῶ-
μένοις *Heb.* i, 1. τοῖς ἀκροθεῖσι. *Tit.* i, 14. μύθοις.
And lastly it is join'd with the same word
ἐτεροδιδασκαλεῖν, *1 Tim.* i, 4. Μὴ ἐτεροδιδασκα-
λεῖν, μηδὲ ΠΡΟΣΕΧΕΙΝ μύθοις καὶ γενεαλογίαις.
If a search therefore was made in the
manuscripts abroad, and this lection should
chance to be found there, what detri-
ment would it bring either to the autho-
rity or beauty of the Text?

In the epistle of *Jude*, v. 18. the ge-
neral sense is clear and palpable; *mockers*
in the last time, κατὰ τὰς ἑαυτῶν ἐπιθυμίας
πορευόμενοι τῶν ἀσεβειῶν, *who walk after*
their own ungodly lusts. But if one of
those manuscripts instead of ἀσεβειῶν should
exhibit ΑΣΕΛΓΕΙΩΝ, *lascivious, wanton,*
filthy lusts: as those two words are join'd
1 Pet. iv, 3. πεπορευμένοι ἐν ἀσελγείαις, ἐπι-
θυμίας *who walked in lasciviousness and*
lusts; and *II Pet.* ii, 18. ἐν ἐπιθυμίαις σαρ-
κός, ἀσελγείαις, *The lusts of the flesh and*
wantonness: though the sense of both
may perhaps be equivalent, yet it's not
nothing, to add a justness and propriety
of expression.

Once more; in a passage of *St. James*
v. 6. where after he had denounc'd wrath
and

and judgment against the *rich* and *proud*, he thus concludes, ΚΑΤΕΔΙΚΑΣΑΤΕ, ΕΦΟΝΕΥΣΑΤΕ τὸν δίκαιον οὐκ ἀντιτάσσεται ὑμῖν, *You have condemn'd and kill'd the just : he doth not resist you* : if instead of ORK some Manuscript by the change of one Letter should represent OKΣ, which in the ancient books is always so abbreviated for Ο Κύριος *the Lord* ; some Persons would not be sorry, if what has hitherto appear'd to all Interpreters abrupt, incoherent, and forc'd, should with so slight a change be made pertinent and proper : *The LORD resists, opposes, sets himself against you.* For so St. James speaks before, iv, 6. and St. Peter 1 Epist. V, 5. out of Prov. III, 34. Ο ΘΕΟΣ ὑπερφάνοις ἀντιτάσσει, *GOD opposeth the proud.* And then the Connexion is apt and just in the following verse ; Μακροθυμήσατε ΟΥΝ, *Be patient THEREFORE, brethren, unto the coming τῷ ΚΥ of the LORD* : exactly as St. Peter's is in the place already cited : *For GOD resisteth the proud : Humble yourselves THEREFORE under the mighty hand of GOD.*

But to return to our Discourser, and to close up this long *Remark* ; it is Fact undeniable,

deniable that the Sacred Books have suffer'd *no more alterations than common and classick authors* ; it has been the common sense of men of letters, that numbers of Manuscripts do not make a text *precarious*, but are useful nay necessary to its establishment and certainty. And as *Scaliger, Casaubon, Heinsius, &c.* when they design'd to publish a correct edition of an Author, first labour'd to procure all the Manuscripts they could hear of, as the only means that promis'd laudable success : so *Stephanus, Junius, Curcellaeus, Walton, Fell, and Mill* proceeded in the same method. All these, except *Stephens* the Printer, were Christian *Priests* : and what, pray, were they doing with all this pains and labour ? Why, according to our wise Author, they were confounding their own scheme. Very magisterial and decisive ! And yet the comfort is, that in his courteous distribution of all mankind into *knaves* and *fools*, he can neither accuse the *Clergy* here as playing their *Priestcraft* ; nor, without involving with them the most learned of the *Layety*, turn them over to his second row of *Crack-brain'd* and *Idiots*.

The

The result of the whole is, That either *a posteriori* all antient books, as well as the sacred, must now be laid aside as *uncertain and precarious*; or else to say *a priori*, That all the transcripts of sacred books should have been privileg'd against the common fate, and exempted from all slips and errors whatever. Which of these our Writer and his *new Sect* will close with, I cannot foresee: there's in each of them such a gust of the *paradox* and *perverse*, that they equally suit with a modern *Free-thinker's* palate: and therefore I shall here bestow a short reflection on both.

If all the old Authors are abandon'd by him, there is one compendious answer to this *discourse of Free-thinking*. For what becomes of his boasted passages out of *Cicero*, *Plutarch*, and his long List of antient *Free-thinkers*, if the *text* of each is *precarious*? those passages, as they came from the Author's hands, might be *for* superstition, which are now cited *against* it. Thus our Writer will be found *Felo de se*; unless the Coroner to save his effects favours him with his own titles of *Fool* and *Madman*.

But

But I have too much value for the Antients to play booty about their works and monuments, for the sake of a short answer to a fool according to his folly. All those passages, and all the rest of their remains are sufficiently pure and genuine, to make us sure of the Writer's design. If a corrupt line or dubious reading chances to intervene, it does not darken the whole context, nor make an Author's opinion or his purpose precarious. Terence, for instance, has as many variations as any book whatever, in proportion to its bulk ; and yet with all its interpolations, omissions, additions, or glosses (chuse the worst of them on purpose) you cannot deface the contrivance and plot of one Play ; no not of one single Scene ; but its sense, design, and subserviency to the last issue and conclusion, shall be visible and plain thorow all the mist of various lections. And so it is with the Sacred Text ; make your 30000 as many more, if numbers of copies can ever reach that sum : all the better to a knowing and serious Reader, who is thereby more richly furnish'd to select what he sees genuine. But even put them into the hands of a Knave or a Fool ;

Fool ; and yet with the most finistrous and absurd choice he shall not extinguish the light of any one chapter ; nor so disguise Christianity but that every feature of it will still be the same.

And this has already prevented the last shift and objection ; That sacred books at least, books impos'd upon the world as Divine Laws and Revelations, should have been exempted from the injuries of time, and secur'd from the least change. For what need of that perpetual miracle, if with all the present changes the whole Scripture is perfect and sufficient to all the great ends and purposes of its first writing ? what a scheme would these men make ? what worthy rules would they prescribe to Providence ? That in millions of copies transcrib'd in so many ages and nations, all the Notaries and Writers, who made it their trade and livelyhood, should be infallible and impeccable ? That their pens should spontaneously write true, or be supernaturally guided ; though the Scribes were nodding or dreaming ? would not this exceed all the miracles of both Old and New Testament ? And, pray, to what great use or design ? To give satisfaction to a

few obstinate and untractable wretches ; to those who are not convinc'd by *Moses and the Prophets*, but want *one from the dead* to come and convert them. Such men mistake the methods of Providence, and the very fundamentals of Religion : which draws its Votaries by the *CORDS of a Man*, by rational, ingenuous, and moral motives ; not by conviction mathematical ; not by new evidence miraculous, to silence every doubt and whim that impiety and folly can suggest. And yet all this would have no effect upon such spirits and dispositions : if they now believe not *Christ* and his *Apostles*, *neither would they believe* if their own schemes were comply'd with.

XXXIII.

But Dr. MILL is not yet dismiss'd : * *for he has discover'd a passage very little known before* ; with which this Author hopes, not *to do any good*, but a great deal of mischief. But why, I pray, *discover'd* ? and why *very little known* ? Has not the passage been twice printed in *Victor* above a hundred years ? and a third time above half a hundred ?

* Pag. 90.

and

and over and over in *Isidorus's* Chronicon? We'll allow it was *very little known* to this Author and his Sect before: but let not them measure all others by their own narrow and partial inquiries.

Nay, but even *Father Simon*, * *who has labour'd so much to prove the uncertainty of the Text of Scripture*, did not light on this passage. Our Writer has found out, you see, *Father Simon's* cover'd design; a true piece of *Popish Priestcraft*, to confound the reformation by labouring to prove the Sacred Text precarious: and this avow'd enemy to all Priests and Priestcraft concurs openly with that Papist in his pious intention. Now what shall we say or think of this conduct? You that live upon the spot, pray inquire into the men. Was not one of the Heads of them a *Papist*, in the time of Your late King *James*? Such a story goes here at *Leipsic*: and really a stranger would be tempted to think that *Poperie* rather than *Atheism* is the secret Cabbala of this *new Sect*. For why such zeal for bare *Atheism*, if nothing more was behind the Scene? There is no principle, no spur in mere *Atheism*,

* *Pag.* 90.

to make any man act as they do. They confess that the modern * *Free-thinkers* are sure to be hated by 999 out of a 1000. Why then must this universal hatred be voluntarily incurr'd by an Atheist? Why must He expose himself by his talking and printing? To do *Himself* good? The very contrary: for if Your Priests were really such as this Writer has describ'd them, his very life would not be worth a month's purchase. Or to do *Others* good? Nothing less: for what harm in his scheme if men live and die *Christians*? He cannot tell them they'll be *damn'd* for it after death: He can only aim, if men *live* not wickedly enough already, to invite and encourage them to live worse. A mighty friend this to Himself, and to human Society.

But take now a mixture of *Popery* into the scheme of this *new Sect*, and all their odd steps may be accounted for. 'Tis most certain in fact, That to propagate Atheism in Protestant countries has been a method prescrib'd and made use of by Popish Emissaries. For they do no

* Pag. 120.

evil by it in Their notion ; the men that would have been damn'd for *Heresy*, are no worse damn'd for *Atheism* : but the *good* of the thing lies open to full view ; when infidelity and an indifference to All Religion (and Some there must and ever will be) must needs pave a plain way for the return of Popery ; while zeal and flame are all on one side, and coldness and mere ice on the other. Let these Authors look to it then ; and let your government look to Them. They may take their option of One of their own Epithets : if *Popery* is the drift of their Sect, (as they really serve its interests) they may claim the favour to be plac'd among *the designing and artificial knaves* ; but if naked *Atheism* is all they aim at, they are certainly turn'd over without *benefit of Clergy* to the Crazy, Crack-brain'd, and Idiots.

And now for the passage in *Victor's Chronicon*, with our Author's faithful translation :

MESSALLA V.C.Coff. Constantinopoli, jubente Anastasio Imperatore, Sancta Evangelia, tamquam ab idiotis Evangelistis composita, reprehenduntur & emendantur.

In the Consulship of MESSALLA, at the command of the Emperor ANASTASIUS, the Holy Gospels, as written by Idiot Evangelists, are corrected and amended.

Our Writer introduces this passage with a triumphant remark; That it was done *in the VI Century*, and recorded by one who *flourish'd in that very age*. Now this is to possess the unwary Reader that *Victor* reports this matter, as within his own knowledge and memory. But *Messalla* was *Consul* in the West *A. D. DVI*: and this little *Chronicon* of a dozen pages, which might be written in as short a time as my Letter here, ends *A. D. DLXVI*. So that this might be nothing but a hear-say about a business suppos'd to be done threescore years before.

Ab Idiotis Evangelistis, By Idiot Evangelists, says our Author; who, if he's sincere in this version, proves himself a very *Idiot* in the greek and latin acceptation of that word. *ἰδιώτης, Idiota, illiteratus, indoctus, rudis*. See *Du Fresne* in his glossaries; who takes notice, that *Idiota* for an *Idiot* or *natural Fool* is peculiar to your *English Law*; for which he cites *Rastal*. Did *Victor* there-

therefore mean *Idiot Evangelists* in your *English* sense? No: but *illiterate, unlearned*. What then must we think of our Author for his scandalous translation here? whether imputation will he chuse to lie under; that he knew the meaning of *Victor*, or that he knew it not?

As for the fact itself, * *a general alteration of the iv Gospels in the vi Century*; though I have no high opinion of our Author's penetration, I dare venture to say He himself does not believe it. Dr. MILL has taught him better; whose words he has honestly suppress'd here, He that makes it one article against your Clergy, their † *stifling of passages, and mangling of books*. || 'Tis as certain, says the Doctor, *as certain can be*; that no such alter'd Gospels were ever made publick. What tumults, what tragedies would they have rais'd? They would have cost that hated Emperor his crown and his life. The fact would have been spoken of and detested by all the Historians, and not be found only (as it is: for *Isidore* professes to take it from

* Pag. 90. † Pag. 95, 96. || *Millii Proleg* p. 98.

Victor) in one blind passage of a puny *Chronicle*.

Add to these reasons of my dead friend ; that we have plain demonstration no such *alter'd Gospels* obtain'd in the world : as this Writer would insinuate. For we have the Fathers of iv whole Centuries before that time, both in the *Greek* and *Latin Church* ; among All whom there's scarce a verbe in the New Testament uncited : the agreement of which with the *MSS* yet extant does fully evince, that the copies continu'd the same after *Anastasius's* time as before. Add the intire commentaries of *Austin*, *Jerom*, *Chrysostom*, *Cyrill*, *Theodoret* and more, all dead before the vi Century commenc'd : and yet Their *Text* is the same as now ; and their explications so confirm and fix it, that That could not be alter'd in Their books (as is suppos'd in the naked Scripture) without making the commentaries anew. Add again the *Latin Italic* and *Jerom's* versions ; add others in the east, all before the date of this pretended *general alteration* ; and he must be a mere *Idiot* indeed that can believe that story ; when he sees all those

ante-

antecedent Books so exactly agree with the subsequent.

That this *general alteration* is a mere dream and *chimera*, may be known even *a priori* by any man of common sense. For if the thing was really effected, and the very Bibles of *Victor* and *Isidore* (with all the rest) were so alter'd and corrupted beyond retrieve ; what could those men mean to transmit that fact to posterity ? Or what copyer would not have *stifled those passages* in them both ? Suppose, in our *Free-thinker's* scheme, that all the world at that time were *knaves* and *fools* enough to comply with it : yet surely they would not have told it Us ; they would not have branded Themselves to all Ages ; not so have abus'd the *Evangelists*, whom they lookt upon as inspir'd ; not rooted up and *destroy'd* that Religion, which this very pretended fact design'd to *recommend*.

Our modest Writer, who affirms of himself * *That he MUST be one of the most understanding and virtuous men alive*, has given no good instance of either in his management of this passage :

* Pag. 120.

for he has left out a principal word, both in his *Latin* and *English*, and which *MILL* as well as *Victor* lay'd before his eyes, that will clear up this whole affair. *CONSTANTINOPOLI*, at *CONSTANTINOPLE*, says *Victor*, *the Gospels were amended*. Was this a *general alteration*? Did this involve the whole Christian World? Would *Theodoric* then reigning in the west, have submitted to this order of *Anastasius*; a weak and unpopular Prince, that was scarce obey'd by his own guards? But the story itself pretends to no more, than the city of the Emperor's residence: and if our Author did not see this, where was his *understanding*? if he did, and *stifled* the word by design, where was his *virtue*?

You see the matter dwindles to nothing; even allowing the whole fact in *Victor's* meaning to be true. But I can never believe so wicked and senseless a thought, of that Emperor or any Christian whatever. He was hated indeed universally, for adhering to heretics, and for his ill-conduct in Civil Government: and so any story was entertain'd with joy, that would make him still more odious, and blacken his character. But I fancy

I can give you a clear account of the occasion and rise of this scandal out of *Liberatus* the Deacon, of the same age and country with *Victor*, in the xix chapter of his *Breviarium*.

Hoc tempore Macedonius Constantinopolitanus Episcopus ab Imperatore Anastasio dicitur expulsus, tamquam Evangelia falsasset, & maxime illud Apostoli dictum, *Qui apparuit in carne, justificatus est in Spiritu*. Hunc enim immutasse, ubi habet ΟΣ, id est QUI, monosyllabum Graecum; litera mutata O in Θ vertisse, & fecisse ΘΣ, id est ut esset, DEUS *apparuit per carnem*. Tamquam Nestorianus ergo culpatus expellitur per Severum Monachum.

The editions of *Liberatus*, instead of Θ and ΘΣ, have Ω and ΩΣ: but it appears from *Baronius*, that the manuscript had no *greek* letters here at all; and that they were supply'd by the first Editor. I have not scrupl'd therefore to correct the place, as the *latin* clearly requires; for DEUS answers to ΘEOΣ, and the *greek monosyllable* ΟΣ is in opposition to that *disyllable*. And so *Hincmarus* in his *Opusculum* chap. xviii, where he recites the same story (without doubt
out

out of *Liberatus*) has it plainly, as I have put it, O in Θ *vertit* Σ *fecit* ΘΣ.

The account is this : *Macedonius* Patriarch of Constantinople was charg'd by the Emperor *Anastasius* as a falsary, that had altered and interpolated several passages of the New Testament in the Copies us'd in that city; and particularly that in the I Tim. III, 16. he had order'd ΘΣ to be written instead of ΟΣ : and for that crime of falsification he was depriv'd and banish'd.

Macedonius might really do this ; and where any copies had it ΟΣ, he might order to correct it ΘΣ by a small stroke of the pen. That the copies did vary here of old is most certain : and there's one in the *Colbertin* Library that has it ΟΣ at this day. But 'tis as certain that *Macedonius* was not the first introducer of that reading : many antient Fathers citing and explaining it ΘΣ, before He was born.

Now any Reader, I presume, even our Author himself will grant me ; That if *Macedonius* was banish'd for falsifying those copies, *Anastasius* would give orders, to have the true readings (in his opinion) restor'd ; and that all the copies
in

in *Constantinople* should be sought for and amended.

And here, if I mistake not, is the whole ground and rise of the story in *Victor*. For the true fact being no more than this, That *Anastasius* order'd the copies to be amended, *Tamquam ab idiotis Librariis conscripta, as written by ignorant Scribes*; the story grew in the telling, when it was got as far as *Afric*, on purpose to blacken him, That he order'd the *Originals* to be amended, *Tamquam ab idiotis Evangelistis composita, as made by ignorant Evangelists*.

It does not lessen the probability of this, That *Victor* speaks only of *Evangelia, the Gospels*: for that's the word both in *Liberatus* and *Hincmare*, *EVANGELIA falsasset*, even where they specify the Epistle to *Timothy*. So that *Gospels*, in the common acceptation of those times, were meant of the whole *New Testament*.

But I think the probability is much increas'd by this obvious reflection; that no one Author tells both these stories: *Victor*, who has transmitted
down

down the greater reproach, says not a word of the less: and *Liberatus*, who has publish'd the fairer story, is silent about the blasphemous one. So that in their first original, they were but one and the same.

T A N T U M.

Honoured Sir,

“ **Y**OU will see all along in my
“ letter, without my telling it
“ now, that I design’d to have dispatch’d
“ at once all my observations upon this
“ famous treatise. But finding myself
“ here in his xc page, the very middle
“ of the book; and my remarks having
“ so grown under my hands, that they
“ are already full heavy enough for the
“ post; I chuse to make up this pre-
“ sent packet, and leave the rest to
“ another occasion. I myself am of
“ opinion, that this half is as much
“ as the whole: the Author’s vir-
“ tues and abilities, his honesty and
“ his learning, are made already as ap-
“ parent, as even a second letter can
“ make them: for his whole *discourse*
“ is but one unform series of insince-
“ rity and ignorance, of juggle and
“ blunder. However, if I understand
“ that this letter has come safe to
“ your hands, and that another would
“ be serviceable to religion, or accep-
“ table

“ table to the *English Clergy*, for
“ whose honour, though a foreigner, I
“ have the greatest regard; you may
“ easily command

Your most obedient,

Leipfic Jan. 26.

New Stile.

humble Servant,

PHILELEUTHERUS LIPSIENSIS.

R E-

REMARKS

Upon a late

DISCOURSE

O F

FREE-THINKING:

I N A

LETTER to N. N. D. D.

B Y

PHILELEUTHERUS LIPSIENSIS.

PART THE SECOND.

THE SEVENTH EDITION.

L O N D O N :

Printed for W. THURLBOURN over-against
the *Senate-House* in *Cambridge*,

M. DCC. XXXVII.

REMARKS

DISCOVERIES

1840-1841

1842-1843

1844-1845

1846-1847

1848-1849

1850-1851

1852-1853

1854-1855

To my very Learned and Honour'd

F R I E N D N. N. D. D.

*At LONDON,
GREAT-BRITAIN.*

SIR,

THE account you was pleas'd to send me of your publishing my former Remarks, and of the kind reception they found among your countrymen, especially your Clergy, to whose honour and service they were peculiarly dedicated, was very agreeable. I am sensible that, before my papers could come to your hands, there must have been several better answers, of your own product at home. If mine therefore was read with such distinction as you speak of, I must impute that good fortune to nothing else, than your known national humour of admiring foreign commodities; though you have better of your native growth. 'Tis a favourable error however, and we strangers often fare the better for it. But

K 2

I am

I am concern'd that, when every thing else pleas'd you, my declaration at the close, that the half of my remarks was as much as the whole, could not merit your approbation. Why do you thus press and teaze me, both against my inclination and interest, to continue those papers? You acknowledge enough is already said to silence both the book and the author, both himself and the whole Sect. You inform me, that he has fled the pit, that all his character for sense and learning is forfeited and dead: and if so, why impose upon me that useless cruelty of molesting him in his grave? I may add too a prudential view: I should stake what I have already won, against nothing at all. If another part succeeds as well as the first, I acquire no new reputation: if it does not, I lose even the old. Besides, the subject itself is alter'd: the former part of his book contain'd matters of consequence, and gave some play to an answerer; but the latter is a dull heap of citations, not work'd nor cemented together, mere sand without lime: and who would meddle with such dry mouldring stuff, that with the best handling can never take a polish?

To

To produce a good reply, the first writer must contribute something: if he is quite low and flat, his antagonist cannot rise high; if he is barren and jejune, the other cannot flourish; if he is obscure and dark, the other can never shine. And then you know my long law-suit here, which is now remov'd to Dresden: and who would regard the Free-thinker, or willingly jade his own parts, under such clogs and impediments? I find, when I set pen to paper, that I sink under my own level: Quærit se ingenium, nec invenit. But if you'd had patience till my trial was over (for trial in my cause is the same as victory) then perhaps your growing sect might have felt to their cost;

Et nos tela, pater, ferrumque haud debile dextrâ

Spargimus, & nostro sequitur de vulnere sanguis.

And yet, after so many good reasons why I ought now to lie still, see the power you have over me; when you both urge a promise, and back it with the desire of the Clergy of England. During the vacation at our Leipsic mart, I took up your Author, and begun where I left off

before. I had thought indeed to dispatch his whole book within the bulk of one packet; but I have run out beyond my length, and must again stop in the middle: though I hope you'll have more conscience in the exercise of your authority, than to require any remainder from

Your most obedient servant,

Leipfic, Sept. 18. 1713.

Stilo novo.

PHILELEUTHERUS LIPSIENSIS.

R E-

R E M A R K

XXXIV.

I Left my Author in his 90th page, proving the duty and necessity of *Free-Thinking*, from the conduct of your *English* clergy in ten instances. The VIIth was concluded with a passage out of *Victor Tununensis*; which I hope is so fully clear'd and answer'd, that none of the fraternity will hereafter vaunt of it, as they used to do, in booksellers shops.

His VIIIth instance of their ill conduct is * their daily publishing of treatises in dialogue, where they introduce *Atheists*, *Deists*, *Sceptics*, and *Soci-nians*, speaking for their own opinions with the same strength, subtilty, and art, that those men shew either in their books or conversation. Nay one of them, which makes the † IXth instance, has translated *Lucretius* (the only compleat

* Pag. 91.

† Pag. 91.

ancient system of Atheism now extant) for the benefit of the *English* reader.

When I consider myself as a *Lutheran*, born and dwelling on the great continent, I cannot but treat with scorn the weak efforts of this writer; who, while he attacks christianity in common, brings arguments that reach no farther than home, within the narrow compass of your own island. But what, I pray, is the pretended crime? or where does the wrong conduct lie? I had thought that to propose objections with their full force had been a certain sign both of fairness in the writer, and assurance of a good cause. If they make Atheists talk with great *strength and subtilty*, do they not refute them with greater strength, and overcome subtilty with truth? This our Author denies not here: and if so, where is his *own conduct*? Before, he had charg'd the priests, * *That they will not tell the truth*, when it makes to their disadvantage: but here, it seems, *they tell too much*; and give the utmost strength to their adversaries objections. Anon, he will tell us † *of their smother-*

* Pag. 82. † Pag. 94, 95.

ing and stifling of *Passages in their translations*; but here the crime is quite contrary, that they translate even *systems of atheism* too openly and entirely. What cavilling? what inconsistency? This is exactly,

Quid dem, quid non dem?

Nolo, volo : volo, nolo rursum : cape, cedo.

Since nothing coming from your *English* Clergy can please this nice Author, neither whole translations nor in part; I'll try if a *foreigner* can make him amends, when I rub in his nose, as I have done several already, some more of his *own translations*.

XXXV.

But, for a *Xth* instance, your priests are guilty of* *pious frauds in translating and publishing books*; even the Holy Bible itself. For, says he, *Εκκλησία* is sometimes render'd *Church*, other times *Assembly*; and *Επίσκοποι* sometimes *Bishops*, other times *Overseers*: whereas the same word in the original ought to be † *translated universally alike*. Notable criticism, and vast penetration into

* Pag. 92. † Pag. 93.

the nature of languages! for, to wave now what the translators of your bible say on this very head in the close of their preface, can our Writer be ignorant that in all tongues whatever a word of a moral or political signification, containing several complex ideas arbitrarily join'd together, has seldom any correspondent word in any other language, which extends to all those ideas? nay, that in the same language most moral words by tract of time and instability of common use either lose or gain some of their ideas, and have a narrower or larger meaning in one age than in another? Physical words indeed, as ἥλιος, Σελήνη, Θάλασσα, whose significations are uncompounded and immutable, may be always express'd alike, *Sun*, *Moon*, and *Sea*: but the other sort ought not and cannot, without great ambiguity and absurdity. See the variety of Εκκλησία in *greek*: it means the place, the building for an assembly; it means an assembly or congregation in that place: thus in the ancient heathen times: but in the christian usage, besides these significations, it means the whole of a town or city, who are wont to assemble in one or
more

more such places, whether they are actually assembled or not; it means the whole of a District, Diocese, Province, Nation; it means diffusively the whole community of the Christian name; it means the governors of such Places, or Assemblies, or Districts; of one or more, of larger or less. And has your *English* Language one single word that is coextended through all these significations? The case is much alike in the other word *Επίσκοπος*. Let our Author then learn, before he sets up to teach. Had he read any good translation, antient or modern, could he possibly be so pedantic with his *universally alike*? His own Book indeed is *universally alike*, a perpetual detail either of his own shufflings or mistakes.

But let us view his particular texts. He's angry, that in *Acts* xix, 32. the word *Εκκλησία* is render'd *Assembly*, and not as usually the *Church*. * For, says he, in this place where it manifestly signifies *the People*, had the Translators said, *The Church* (instead of *Assembly*) *was confus'd, and the more part knew*

* *Pag.* 92.

not wherefore they were come together ; the signification of the word Church would not have admitted of any doubt about its meaning. Unfortunate blunderer ! I cannot decide, whether there's more nonsense in his expression, or more stupidity in his remark. It's *signification*, says he, would admit of no doubt about it's *meaning* : that is, its *signification* about it's *signification*. Well ; but Εκκλησία there means the People ; and, had it been render'd Church, we should have known the Church had meant the *Laiety*, as well as the *Priests*. What Priest ever denied, that Church in your *English* Bibles does generally comprehend all Believers, People as well as Clergy ? but in this place that *Assembly*, which he would call a Church, was a mob of *Pagans* got together in the Town Theatre ; some for fear of their manufactures (as your Silkweavers once at London) and the most for they knew not what. And though Εκκλησία, which signifies any assembly, is properly and decently used here in the original, can your *English* word Church, that from it's first rite has been consecrated to a religious sense, be extended to a heathen mutiny ?

mutiny ? This very instance shews, what I said before in general, that the political words in different languages are seldom totally equivalent. And those foreign words, that are not interpreted but adopted and retain'd, as *Apostle*, *Bishop*, *Priest*, *Deacon*, have always a narrower sense, where they are transplanted, than in their first soil. And yet our Writer adds seriously (for there's no mark of raillery or jest) that, had the Translators done their duty in this passage, there could have been no doubt about the meaning of the word *Church*. No doubt in the least : for if that Assembly could be call'd a *Church*, you would have *Churches* at your Operas, *Churches* at Comedies, at Puppet-shows, at Masquerades. If he had taught your Parliament this language ; he might have sav'd the great charge of their fifty new *Churches* : for with one word he has built as many as there are Coffee-houses in *London* ; and, what is more, he has prov'd himself and his Free-thinkers to be excellent *Church*-men.

His other exception is *Acts* xx ; where
οἱ πρεσβύτεροι τῆς ἐκκλησίας, * *The Elders*,

* *Pag.* 93.

the

the Presbyters of the Church v. 17. are said to be *Επίσκοποι* v. 28. *Overseers over all the Flock*. Here instead of *Overseers* he would have it render'd *Bishops*; that it might appear, that *Bishops* and *Presbyters* in Scripture phrase are synonymous words. And what if they should be so, *iidem* πρεσβύτεροι *qui* ἐπίσκοποι, the first the name of their age and order, the latter of their office and duty? does he think to fright your Bishops with this? does this affect the cause of Episcopacy? how then came *Theodorit* a Bishop, *Theophylact* an Archbishop, and *Chrysostom* a Patriarch, not to be aware of it, when they expressly affirm, what our Writer would have appear? They, with all Christian antiquity, never thought themselves and their order to succeed the Scripture *Επίσκοποι*, but the Scripture Ἀπόστολοι; they were διάδοχοι τῶν Αποστόλων, *the successors of the Apostles*. The sum of the matter is this. Though new institutions are form'd, new words are not coin'd for them; but old ones borrow'd and applied. *Επίσκοπος*, whose general idea is *Overseer*, was a word in use long before Christianity; a word of universal rela-

relation to oeconomical, civil, military, naval, judicial and religious matters. This word was assum'd to denote the governing and presiding persons of the Church, as *Διάκονος* (another word of vulgar and diffus'd use) to denote the ministerial. The *Presbyters* therefore, while the Apostles lived, were *ἐπίσκοποι* *Overseers*. But the Apostles, in foresight of their approaching martyrdom, having selected and appointed their successors in the several cities and communities, as St. Paul did *Timothy* at *Ephesus*, and *Titus* at *Crete*, A. D. LXIV, four years before his death ; what name were these successors to be call'd by ? not *Ἀπόστολοι*, *Apostles* : their modesty, as it seems, made them refuse it ; they would keep that name proper and sacred to the first *extraordinary* messengers of Christ ; though they really succeeded them in their office, in due part and measure, as the *ordinary* governors of the Churches. It was agreed therefore over all Christendom at once, in the very next generation after the Apostles, to assign and appropriate to them the word *Επίσκοπος* or *Bishop*. From that time to this that appellation, which be-
fore

fore included a *Presbyter*, has been restrain'd to a superior Order. And here's nothing in all this but what has happen'd in all languages and communities in the world. See the *Notitia* of the *Roman* and *Greek* Empires; and you'll scarce find one name of any state employment, that in course of time did not vary from its primitive signification. So that should our *Lutheran* Presbyters contend they are Scripture *Bishops*, what would they get by it? No more than lies in the syllables. The time has been, when a commander even of a single regiment was call'd *Imperator*: and must every such now a days set up to be *Emperors*? the one pretense is altogether as just as the other.

But to speak a word to his version. He would have it *Bishops* in *Acts* xx. as it is in other places, and not *Overseers*. Our *Luther* indeed has translated it here and every where *Bischoffen*: but, if my countrymen do not hear me, I must beg his excuse. *Bishop* and *Bischoff* give no internal idea to an illiterate *Englishman* or *German*. As an exotic word, they have no notion of it but from seeing a modern *Bishop*. To
such

such therefore this version, *You Presbyters, whom the Holy Ghost hath made Bishops over all the flock*, gives a sense erroneous and false. Well then is it translated in your Bible, *Overseers* : and if our awkward *Free-thinker* had chang'd the tables and expostulated, not why here *Overseers*, but why not every where else ; perhaps he could not have been so easily answer'd.

XXXVI.

Another *pious fraud* is laid to your Translators, *Acts vii, 59.* * *And they stoned Stephen calling upon God and saying, Lord Jesus receive my Spirit.* For, says he, the word *God* has no manuscript nor printed copy in any language to vouch it. And was this *insertion* made fraudulently ? or is it not an *impious fraud* in this writer, to bring so false a charge against a Book that deserves his veneration ? are not the words *upon God* printed in *Italic* letter, to warn the reader as usually, that they are not in the original ? In the same Chapter

* Pag. 93.

there are these several words *inserted* to make the sense clearer, *so much as, Abraham, begat, time, the Father, saying, him, so* : and all distinguish'd in *Italic* with a nice and religious exactness. Why did not our Writer make exceptions to those? He can easily allow them : but the name of *God* to be inserted is a *Free-thinker's* aversion. Well, but had the Translators conceal'd the insertion, and not proclaim'd it by an *Italic* letter, where had been the *pious fraud*? what interest, what priesthood can it serve? is this a Text bandied for the rights of the Church? Can he deny, that the words *upon God* supplied in the version, are manifestly understood in the original? the *greek* word is *Επικαλούμενον*, *calling upon* : and our Author is uncommonly honest, when he charges one word *God*, and not two, *upon God*, to be the insertion. So that *they stoned Stephen calling upon——and saying, Lord, &c.* Pray, what or whom did he *call upon*? certainly either *God* or *the Lord*; and let our Author take his choice. Nay, the words being thus in the Text according to the present copies, *ΕΠΙΚΑΛΟΥΜΕΝΟΝ ΚΑΙ ΛΕΓΟΝΤΑ*; should I affirm,

affirm, that a word is dropt out, either $\overline{\Theta N}$ *God* absorpt by the preceding syllable ON, or \overline{KN} *the Lord* by the following syllable KAI; and that your Translators were of the same opinion, considering that ἐπικαλεῖσθαι τὸν θεόν and τὸν κύριον come so frequently in the Septuagint; I dare challenge all the tribe to answer it, though they take the cismarine Critic to their aid and assistance.

XXXVII.

Well, but the *Postscripts* of the II^d Epistle to *Timothy*, and of the Epistle to *Titus*, wherein the former is stil'd * *First Bishop* of the Church of the *Ephesians*, and the latter of the *Cretans*, were both prov'd in Parliament to be bold and spurious additions made by your reverend Editors. This is formidable indeed to tell us at *Leipsic*; where your *English* Parliament must needs have greater authority, than any General Council. But how, pray, was it prov'd there? was it enacted by all the Estates, and with the Bishops concurrence? or

* Pag. 94.

was it *voted* only in the Lower House? Or, which is yet lower, was it only *debated*? Or *when* was this great transaction? He quotes for it *diurnal occurrences*, a book unknown in these parts; so that I can only guess either at the time or the manner of it. However I durst lay a small wager, that it was done in what you call your Rump Parliament; and that this learned proof was made there by some lay Elder in buff. Be that as it will, I dare tell our Author, without any vote of our *German Diet* in opposition to his parliament, that it was never *prov'd* there nor any where else; and that he speaks not one true word in all this paragraph. For he blunders when he calls them *Postscripts*; that word ever implying, that they were subjoin'd by the writer of the letter preceding. But no body yet either believ'd or affirm'd, that these were underwritten by *St. Paul* himself. They are nothing but memorandums or endorsements, written by others long after the death of the Apostle. But be they postscripts or subscripts, your translators neither *made* them nor recommended them for Scripture. And his parliamentary proof,
that

that *those additions were made by the reverend editors*, does miserably fail him. Impudence and noise against plain matter of fact! Let him look into Dr. *Mill's* edition, and he'll see that very few of the manuscripts want them: and they were printed in the best *Greek* editions, before your *editors* were born.

XXXVIII.

* *It is certain, says he, the priests may plead the authority of the Fathers for forgery, corruption, and mangling of authors with more reason, than for any of their articles of faith.* He grows in impudence and profaneness; but how does he make this out? from a † passage of *St. Jerom*, the import of which he understands not, and the words he has wilfully perverted. One *Vigilantius* had accus'd *St. Jerom* as a favourer of *Origen's* heresies, because he had translated several of his writings into *latin*. The Father replies to this effect, ' That the

* Pag. 96. † *Epist. ad Vigilantium*,
Tom. IV. Ed. novæ. p. 275.

' nature of his studies led him to read
 ' all sorts of books, such as those of
 ' *Origen, Apollinarius, Eusebius*; who
 ' in some points indeed were heretical,
 ' but in others had given great light to
 ' the Scriptures, and done eminent ser-
 ' vice to the Church. That some of
 ' their books he had translated into
 ' *latin*, for the use of those that under-
 ' stood not the *greek*; but not so as to
 ' propagate their heresies: for he had
 ' either omitted those tracts, or rescind-
 ' ed or refuted those passages, which
 ' might pervert or scandalize the un-
 ' learned reader*. Here we see, *St. Jerom*
 does not excuse himself (as our
 Writer turns it) for *mangling of authors*,
 but for translating them at all. But how in
 justice can the omission of some tracts or
 passages, where the translator is free to
 take what he pleases, be call'd *mangling*
of authors? Did not *Jerom* acquaint the
 public both in his prefaces to the respec-
 tive books, and in these epistles, that
 he had left out such passages? Did he
mangle Origen in the original, and pro-

* See also *Epist. de erroribus Origenis* p. 345. *ad-
versus Rufinum Apologia* I § II.

cure the *greek* copies to be ras'd or interpolated? How was *Origen* then *mangled*, whose works were preserved entire both then and long after? Neither had *Jerom's* translation that consequence then, as in our days a numerous edition propagated from the press. His version was but one written copy, that might be transcrib'd by some of his friends, or a few others that were curious. And what is there in all this, unworthy of an honest man? Were I to translate *Petronius's Civil War*, or some of the chaste epigrams of *Martial*; should I be counted a *mangler*, because I added not all their obscenities? Your *Free-thinkers* at that rate are the greatest *manglers of authors*, who have taken a contrary course, and cull'd all the lewd and smutty passages of the ancient poets, and printed them together.

But our Writer cannot pass this passage of St. *Jerom* without a cast of his skill and fidelity. The words cited by him are, *Si igitur quae bona sunt transtuli; & mala vel amputavi vel correxi, vel tacui; arguendus sum, cur per me* LATINI bona *Origenis* habeant, & mala ignorent? which our faithful Writer thus

translates, *Am I to be blam'd for making MEN acquainted with what is good in Origen, and keeping them ignorant of what is bad in him.* Where the Father says *Latini*, the *Latins*; our Author says *men* in general: on purpose to insinuate that *Jerom* had suppress'd or mutilated or corrupted *Origen's* greek copies. For while those were in being and entire, *Jerom* could not keep all *men* ignorant of what was bad in *Origen*, but only the *Latins*.

Where the Father says, *Qui omnium psalmorum commentarios haeretici hominis vertit in nostrum eloquium*; our Writer englishes it thus, *Who translated into latin the commentaries of EUSEBIUS of Caesarea a grand heretic.* The Father indeed means *Eusebius*, but names him not: but our Writer has put him into the text, and in capitals too, to make the reader mind it; and then bestows out of his own store the epithet *Grand*, and puts it in the mouth of *St. Jerom*. Why this venom thrown upon *Eusebius*; but that the *Free-thinkers* hate him, as one of the chief writers of the church? Could our Author be ignorant, that it was a great dispute then, and continues
so

so still, whether *Eusebius* was really a *Heretic*, that is an *Arian*, or no? Has not your learned Dr. *Cave*, in a late elaborate dissertation, done justice to his character? Why then a *Grand Heretic* in the version, when it's bare *Heretic* in the text? An honest writer indeed; who in the very place where he cries out on *forgery*, *corruption*, and *mangling*, cannot himself refrain from *forging*, *corrupting*, and *fraudulently adding*.

XXXIX.

I pass over his trifling instances of mangling father *Paul's* letters, * *Baumgarten's* travels, and *Anthony Wood's* history: which omissions he has here kindly supplied, out of dear love to *treason*, *superstition*, and *scandal*. And yet you perhaps in *England* can even in these trifles shew his fraud and prevarication.

He then commences his *third Section* with pretended objections and answers about *Free-thinking*, taken in a good

* *Pag.* 94, 95, 96.

and legitimate sense. Is he always at his juggling, and shifting the true question? Does he hope to flur his unwary reader with such a palpable imposture? *Free-thinking* here for many * pages together is put for common use of reason and judgment, a lawful liberty of examining, and in a word, good *Protestantism*. Then whip about, and it stands for scepticism, for infidelity, for bare *atheism*. But his mask is too thin and too pellucid to cover his true face. He is still known for a mere atheist; though he talks of *Free-thinking* in words that may become a christian. What *Aristippus* once said, when he was pleas'd with some sweet unguent, *Curse on those effeminate wretches that have made so pretty a thing scandalous*; may be applied to him and his tribe, for bringing a scandal on so good a word as *Free-thinking*, that does not belong to them. They *free* by way of distinction? that have the most slavish of systems, mere matter, eternal sequel of causes; chain'd fatalists, fetter'd *Spinosists*. They *thinkers* by way of eminence? who have proper

* Pag. 99.--110.

title to no thought, but that of the *fool*, when he *said in his heart, there was no God*. For this is the first and last of all their glorious searches.

But I could have sav'd him one objection, that * *Free-thinking may produce a great number of atheists*. Pray, be not in pain for that; unless he means (as he often does) *Free-thinking* and *Atheism* for synonymous words. † *It is possible*, says his objector, *that if Free-thinking be allow'd, some men may think themselves into Atheism*. Courage! and dismiss those dismal apprehensions. For however it might be of old times, or now among some *Hottentots* or *Iroquois*, where the materials of thinking are scanty, and the methods uncultivated; there's no danger of this in *England*, in that light of science and learning: A person there may easily rob, plunder, perjure, debauch, or drink himself into atheism: but it's impossible he can *think* himself into it. Let him think thoroughly; come duly prepar'd, and proceed patiently and impartially;

* Pag. 105.

† Pag. 104.

and I dare be answerable for him, without an office of insurance.

XL.

While I was looking on his passage of *Zosimus* * (whom out of his profound skill in greek, he twice writes *Zozimus*) I had like to have dropt a memorable paragraph, which shews his great affection to your Clergy. He complains of the † *great charge of maintaining such numbers of ecclesiastics, as a great evil to society, and a burden never felt on any other occasion.* Now how shall I accost him? as a grand historian, or a shrewd politician? for I know he's above the low considerations of divine worship, truth, piety, salvation, and immortality. But what news does he tell us? that the supporting of priests is a burden unknown before christianity? Had he read over even those Authors alone, with whose twice-borrow'd scraps he has fill'd his margin; he would have learnt, that both in *Greece* and *Italy*, before our Saviour's birth, the heathen

* *Pag.* 117, 118.

† *Pag.* 114.

priests

priests were more in number, higher in dignity, and better provided with endowments, salaries, and immunities, than now you are in *England*. The like was before in *Egypt*, and in every other country, where humanity and letters had any footing. Many of his Authors (whom he cites as *Free-thinkers*) were priests themselves; *Josephus*, *Plutarch*, *Cato*, * *Cicero*, &c. and the last named was made so after his consulate, the highest post of honour and power then in the universe: nay (to make our Author quite lay him aside for ever) he had the *indeleble character* too; for being once made a priest, a priest he was to be for life. But what an adversary am I writing against, wholly ignorant of common history? And his politics are as low too, that would extirpate the whole order of your Clergy; and so bring your country to the ignorance of the *Savages*, to a worse condition than your old ancestors were in, while they had their *bards* and their *druids*. For it ever was and ever will be true, in all nations, un-

* Γίνεται τῶν ἱερέων, ὡς Ἀντίστρας Ρωμαῖοι καλεῖσιν.
Plut. in Cic.

der all manners and customs, *No priesthood; no letters, no humanity; and reciprocally again, society, laws, government, learning, a priesthood.* What then would our thoughtless *Thinker* be at? sink the order of the present Clergy to save charges to the public, and pay the same or double to maintain as many for * *Epicurus*, or *Jupiter*, or *Baal*: for some order of priests there will be. Though even take him in his *free-thinking* capacity, he can never conceive nor wish a priesthood, either quieter for him, or cheaper than that of the present church of *England*. Of your quietness, himself is a convincing proof, who has writ this outrageous book, and has met with no punishment nor prosecution. And for the cheapness, that appear'd lately in one of your parliaments; when the accounts exhibited shew'd, that 6000 of your Clergy, the greater part of your whole number, had at a middle rate one with another not 50 pounds a year. A poor emolument for so long, so laborious, so expensive an education, as must qualify them for holy orders. While I

* See Remark the *Vth*.

resided at *Oxford*, and saw such a conflux of youth to their annual admissions; I have often studied and admir'd, why their parents would under such mean encouragements design their sons for the church; and those the most towardly and capable and select genius's among their children; who must needs have emerg'd in a secular life. I congratulated indeed the felicity of your establishment, which attracted the choice youth of your nation for such very low pay: but my wonder was at the parents, who generally have interest, maintenance, and wealth, the first thing in their view: till at last one of your state lotteries ceas'd my astonishment. For as in that, a few glittering prizes, 1000, 5000, 10000 pounds among an infinity of blanks, drew troops of adventurers; who, if the whole fund had been equally ticketed, would never have come in: so a few shining dignities in your church, prebends, deaneries, bishopricks, are the *pious fraud* that induces and decoys the parents to risk their child's fortune in it. Every one hopes his Own will get some great prize in the church, and never reflects on the thousands of blanks in
poor

poor country-livings. And if a foreigner may tell you his mind, from what he sees at home, 'tis this part of your establishment that makes your clergy excel ours. Do but once level all your preferments, and you'll soon be as level in your learning. For instead of the flower of the *English* youth, you'll have only the refuse sent to your academies; and those too cramp'd and crippled in their studies for want of aim and emulation. So that if your *Free-thinkers* had any politics, instead of suppressing your whole order, they should make you all alike: or, if that cannot be done, make your preferments a very lottery in the whole similitude. Let your church dignities be pure chance prizes, without regard to abilities, or morals, or letters: as a journeyman (I think) in that state lottery was the favourite child of fortune.

XLI.

But again, before I come to the inviting passage of *Zosimus*, I shall gather some of his scatter'd flowers, and
com-

comprise them under one remark. * *If any good christian, says he, happens to reason better than ordinary, the priests presently charge him with atheism.* He means only your *English* priests, as I see by his instances: and naughty men they, if any of them do so. But I'll give him a word of comfort, and offer myself as sponzor for them, that none of them will call him atheist, *for reasoning better than ordinary.* Good man, to avoid that odious name, he has sprinkled all his pages with mere nonsense out of pure consideration and forecast.

To shew his good taste and his virtuous turn of mind, he praises two abuses upon *James I.* † *That he was a doctor, more than a king; and was priest-ridden by his archbishop;* as the most VALUABLE passages in father *Paul's* letters: and yet, as I have been told, those passages are spurious and forg'd. Well, but were they genuine and true, are those the things he most *values*? O the vast love and honour he bears to the crown and the mitre! But his palate is truly constant and uniform to itself: he

* Pag. 85.

† Pag. 94, 95.

drudges in all his other authors, ancient and modern, not to find their beauties, but their spots; not to gather the roses, but the thorns; not to suck good nutriment, but poison. A thousand bright pages in *Plutarch* and *Tully* pass heavy with him and without relish: but if he chances to meet with a suspicious or sore place; then he's feasted and regaled, like a fly upon an ulcer, or a beetle in dung: and with those delicious scraps put together, he has dress'd out this book of *Free thinking*.

But have a care of provoking him too much; for he has still in reserve more ** instances of your conduct: your declamations against reason; such false reason, I suppose, as he and his tribe would put off for good Sterling: your arts and method of discouraging examination into the truths of religion; such truths forsooth of religion as this, That religion itself is all false: and again, your encouraging examination, when either authority is against you (the authority he means of your late K. James, when one of his free-thinking doctors thought him-*

** Pag. 97.*

self into popery) or *when you think that truth is certainly on your side*: he will not say, that *truth is certainly on your side*, but only that *you think so*: however he allows here you are *sometimes* sincere; a favour he would not grant you in some of his former instances.

But the last and most cutting instance is, * *Your instilling principles into youth*: no doubt he means those pernicious *principles* of fearing God; honouring the King; loving your neighbour as your selves; living soberly, righteously, and godly in this present world. O the glorious nation you would be! if your stiff parsons were once displac'd, and *Free-thinkers* appointed tutors to your young nobility and gentry, How would arts, learning, manners, and all humanity flourish in an academy under such preceptors? Who instead of your Bible should read *Hobbes's Leviathan*; should *instill* early the sound doctrines of the mortality of the soul, and the sole good of a voluptuous life. No doubt such an establishment would make you a happy people, and even a rich: for our

* *Pag.* 97.

youth would all desert us in *Germany*, and presently pass the sea for such noble education.

The beginning of his III^d section, where (as I remark'd before) *Free-thinking* stands for no more than *Thinking*, may pass in general for truth, though wholly an impertinence. For who in *England* forbids thinking? or who ever made such objections, as he first raises and then refutes? He dare not sure insinuate, as if none of your clergy *thought*, nor examin'd any points of doctrine; but took a system of opinions by force and constraint; under the terror of an Inquisition, or the dread of fire and fagot. So that we have xx pages of mere amusement, under the ambiguity of a word. Let your clergy once profess, that they are the true *Free-thinkers*, and you'll soon see the unbelieving tribe renounce their new name.

However in these sapless pages he has scatter'd a mark of his great learning. He says, * *The infinite variety of opinions, religions, and worships among the ancient heathens, never produc'd any disorder*

* Pag. 101.

or confusion. What? was it no disorder, when *Socrates* suffer'd death for his opinions; when *Aristotle* was impeach'd and fled; when *Stilpo* was banish'd; and when *Diogoras* was proscib'd? Were not the *Epicureans* driven out from several cities, for the debaucheries and tumults they caus'd there? Did not * *Antiochus* banish all *Philosophers* out of his whole kingdom; and for any one to learn of them, made it death to the youth himself, and loss of goods to his parents? Did not *Domitian* expel all the philosophers out of *Rome* and whole *Italy*? Did the *Galli*, the vagabond priests of *Cybele*, make no disturbances in town and country? Did not the *Romans* frequently forbid *strange religions* and external rites that had crept into the city; and banish the authors of them? Did the *Bacchanals* create no disorders in *Rome*, when they endanger'd the whole state; and thousands were put to death for having been initiated in them? In a word, was that no disturbance in *Egypt*, which *Juvenal* tells of his own knowledge, (and which frequently used

* *Athenaeus*, lib. xii. p. 547.

to happen) when in two neighbouring cities their religious feuds ran so high, that at the annual festival of one, the other out of zeal went to disturb the solemnity; and after thousands were fighting on both sides, and many eyes and noses lost, the scene ended in slaughter; and the body slain was cut into bits, and eaten up raw by the enemies? And all this barbarity committed, because the one side worship'd *Crocodiles*, and the other kill'd and eat them.

summus utrinque
Inde furor vulgo, quod numina vicinorum
Odit uterque locus; cum solos credat habendos
Esse deos, quos ipse colit.

Let him go now and talk facetiously at his club, that among the Pagans there was no *Polemic divinity*.

XLII.

We are now come to a grand secret of your priestcraft, * *The toleration of vice, by which all the rogues and fools*

* Pag. 117, 118.

are engag'd in your party. This, he says, was put in practice with success, as early as *Constantine the Great*, who (as *Zozimus tells us*) after he had committed such horrible villanies, which the Pagan priests told him were not expiable in their religion; being assur'd by an Egyptian bishop, that there was no villany so great, but was to be expiated by the sacraments of the christian religion, he quitted the religion of his ancestors, and embrac'd the NEW IMPIETY: so *Zozimus* impiously calls the christian religion. Now the business itself, laid to *Constantine's* charge here by a bigotted pagan, is too stale and trivial to deserve a new answer; having been fully refuted both by the ecclesiastic historians of old, and several of the moderns. But what I here animadvert on, is the prodigious awkwardness of our writer, both in his version and application of this passage.

Zosimus, a poor superstitious creature (and consequently, as one would guess, an improper witness for our *Free-thinker*) who has fill'd his little history not more with malice against the christians, than with bigotry for the pagans; who treats his reader with oracles of the *Palmyrenes*

and *Sibylls*; with annual miracles done by *Venus*, where gold and silver swum upon water; with presages and dreams of old women; with thunders and earthquakes, as if they were prodigies; with a dead body vanishing in the middle of an army; with omens, and with predictions from entrails of beasts; with an apparition of *Pallas* and her *Gorgon*, and with the spectre of *Achilles*; with wooden idols that fire could not burn; with a necklace of the Goddess *Rhea*, that executed divine vengeance; who imputes the taking of *Rome* by *Alarich* to the omission of pagan sacrifices; and the decay of the Roman empire to *Constantine's* neglecting the *Ludi Saeculares*: this wise and judicious Author is brought in for a good evidence; and our avow'd enemy to superstition connives at all this trumpery, for the sake of one stab at the reputation of *Constantine*, and the honour of christianity.

But how has he manag'd and represented it? The story, as * *Zosimus* himself tells it, is thus. ' *Constantine* being
' troubled in conscience for some crimes

* *Pag.* 104.

‘ he had committed, applied to the hea-
 ‘ then priests for expiation. They an-
 ‘ swering, that they had no way of ex-
 ‘ piation for crimes of so deep a die; a
 ‘ certain *Egyptian* told him, that if he
 ‘ would turn christian, all his sins would
 ‘ be immediately forgiven him. *Con-*
 ‘ *stantine* liking this well, and after a
 ‘ renunciation of paganism partaking of
 ‘ the christian rites, τῆς ἀσεβείας τὴν ἀρχὴν
 ‘ ἐποίησατο, τὴν Μαντινὴν ἔχειν ἐν ὑποψίᾳ,
 ‘ for his FIRST INSTANCE OF IRRELIGION,
 ‘ he began to suspect and cry down the
 ‘ art of foretelling things from the en-
 ‘ trals of beasts; for having had many
 ‘ events truly predicted to him by that
 ‘ art, he was afraid others would make
 ‘ use of it against himself.’ This is a
 faithful version; for that Μαντινὴ here
 means *Haruspicina*, the art of divina-
 tion by entrals, appears from p. 157, and
 other places of that Author.

How amazing now is the ignorance of
 our *Free-thinker*? unless perhaps he will
 plead impudence: for with such men, *ex-*
cusatius est voluntate peccare quam casu,
its counted a smaller fault to prevaricate
on purpose, than err by mistake. He
 stops his citation and version in the very
 middle

middle of the sentence, and interprets τῆς ἀσεβείας τὴν ἀρχήν, THE NEW IMPIETY; and then subjoins with a sneer, *So Zosimus impiously calls the christian religion.* If *Zosimus* speak not *impiously*, some body else does. For with him ἀσέβεια, *irreligion, neglect of worship*, has only reference to the pagan rites; and particularly to sacrifices and *baruspices*. These *Constantine* had abandon'd, and for that reason deserv'd as well as * *Cato* the *Censor*, to be put into our writer's *list of Free-thinkers*. But see the partiality! *Constantine* has lost his favour, because he first made the government christian: and an author must be mangled, sense and grammar distorted, all rules of syntax perverted, to bring out a little blasphemy. Ἀρχὴν τῆς ἀσεβείας ἐποίησατο, *embrac'd the new impiety?* and the *christian religion* meant by it? Intolerable construction, and monstrous! there's scarce a *such like prodigy* in his former version of *Cicero*.

* *Pag.* 135.

XLIII.

The next witness, that he summons from the Shades is *Julian the Apostate*: and I wonder he did not call along with him *Judas Iscariot*. But what does *Julian* depose? Why, * *the foresaid conversion of Constantine gave occasion to him to satirize thus our holy Religion*: † *Whosoever is a ravisher, a murderer, guilty of sacrilege or any other abomination, let him come boldly: for, when I have wash'd him with this water, I'll immediately make him clean and innocent: and if he commits the same crimes again, I'll make him, after he has thump'd his breast and beat his head, as clean as before.* And what can our writer make of this satire, though I've mended his version for him? A ridiculous and stale banter, us'd by *Celsus* and others before *Julian*, upon the christian doctrines of baptism, repentance, and remission of sins. Baptism is rallied as *mere washing*; and Repentance as *thumping the head* and other outward

* Pag. 118. † *Juliani Caesares*, in fine.

grimace. The inward grace, the intrinsic change of mind are left out of the character. And whom are we to believe, these Pagans or our own selves? Are we to fetch our notions of the sacraments from scraps of *Julian* and *Celsus*? or from the Scripture, the pure fountain; from what we read, know, and profess? And yet the banter came more decently out of *Celsus* an *Epicurean's* mouth, than out of *Julian's*, the most bigotted creature in the world. He to laugh at expiation by baptism, whose whole life after his apostacy was a continued course of *καθαρσμοι*, washings, purgations, expiations, with the most absurd ceremonies? addicted to the whole train of superstitions; Omens, Presages, Prodigies, Spectres, Dreams, Visions, Auguries, Oracles, Magic, Theurgic, Psychomantic? whose whole Court in a manner consisted of *Haruspices* and *Sacrificuli*, and Philosophers as silly as they? who was always poring in the entrails of cattle to find futurities there? who, if he had return'd victor out of *Persia* (as his very pagan friends jested on him) would have extinguish'd the whole species of bulls and
cows,

cows, by the number of his sacrifices? I have drawn this character of him, from his own writings, and the heathens his contemporaries: that I might not bring suspected testimonies from christian authors. Though even these allow him to have been *egregiae indolis, an extraordinary genius*; if he had not been spoilt by the philosophers his masters. The truth is, those persons, for their professorial interest, and to keep the pagan system in some countenance against the objections of christians, had quite alter'd the old schemes of philosophy; and pretended to more impulses, inspirations, revelations, and commerce with the Deity, than christians could truly do. Not one of those sanctified philosophers but had dreams, visions, and extatic colloquies with daemons every night: and with this trumpery they drew *Julian* off from christianity, and made him think himself as great an adept, as any of his teachers. He * saw the *Sun* in a vision, speaking to him in verse, and foretelling the death of *Constantius*; besides other innumerable communications with his

* *Zosim. Pag. 155.*

favourite God *Mitbras*. This was the sly way they took; *clavum clavo*, to surfeit him with revelations, enough for a *St. Brigit*: nor could they ever have made him apostatize, but by infatuating him with superstitions. However, though christianity suffer'd by losing one of his great abilities and moral virtues, our modern atheists can never reckon him on their side, among the list of *Free-thinkers*.

XLIV.

Our Writer raises an objection, which, unless he had better answer'd, he had better have let alone; * *That Free-thinkers themselves are the most infamous, wicked, and senseless of all mankind*. He pretends not yet to refute this from fact and experience, by telling who he is, or who are members of his *growing sect*, that we might bring their characters to the touchstone; but he argues forsooth *a priori*.

The reproach of *senseless* he confutes with ease, by a *self-evident* propo-

* *Pag.* 118.

fition; * *For men that use their understandings must have more sense than they that use them not.* Very compendious truly! but out of too much precipitation he leaves his syllogism in the lurch. He forgets to prove, that every man that *uses his understanding* is (in the meaning of his book) a *Free-thinker*. Without this, that same *senseless* will still stick close upon him, and the closer for this very syllogism. 'Tis mere chicanery in the word: a *Free-thinker*, in this *self-evident* proposition, is † *any man that uses his understanding*, that is, that *thinks* at all: a very comprehensive definition. And yet presently in the next paragraph, a *Free-thinker* is but *one of a thousand*; one that *departs from the sentiments of the herd of mankind*; that is, (for he could scarce have told it us in a plainer description) a mere *atheist*, or at least *no christian*. Are not these two acceptations of the same word wonderfully consistent? Either let him profess plainly, that no christian, no man but an atheist, this one of a thousand, *uses his understanding*, or let him own that

* Pag. 120. † *Ibid.*

himself

himself has used none here ; and that he and his syllogism too have much of the *senseless*.

Infamy and wickedness, the second reproach, he thus repels from his party: a *Free-thinker*, * who incurs the whole malice of the priests, and is sure to have 999 of a thousand for his enemies, is oblig'd for his own sake IN THIS WORLD to be virtuous and honest. So that here, as far as this argument goes, if the *Free-thinkers* are not wicked, it's only out of fear and restraint. A good hint how virtuous they would be, if the growing sect should grow so numerous, as to promise themselves impunity ; and face it out against infamy and scandal. If their honesty, by their own confession, is owing to their paucity, it is high time indeed to inquire into their numbers.

But (2dly) to commence a *Free-thinker*, † requires great diligence and application of mind ; and he expels all vicious dispositions and passions by being never out of action ; and so we have another egregious demonstration. But is this too to pass upon us for *self-evident* ? Are

* Pag. 120.

† Pag. 121.

all *busy* men *virtuous*? And are all *Free-thinkers busy*? I'll be responsible for neither of the propositions. But the poor Writer seems to hint here tacitly for himself, what *great diligence*, what *application of mind* he has us'd, to work himself into atheism: how much more to compose such an elaborate book? how many merry meetings, and kind assignations has he baulk'd, while he was gleaning his bundle of scraps? how many watchful nights and abstemious days has he pass'd in painful and dry drudgery; while you lazy * *Ecclesiastics*, he says, *were employ'd in the most innocent manner you can be; in mere eating and drinking?* And yet methinks you have done something else besides making good cheer; or else *Germany* would not be so full of your praises, and our libraries full of your books: where such puny performances as his, for all his *diligence* and *application*, will never deserve admission.

Well, but † (3dly) *by much thinking* (here again we are trick'd for *Free-thinking*) *men comprehend the whole compass of*

* Pag. 114. † Pag. 121.

human life; are convinc'd, that IN THIS LIFE misery attends the practice of vice, and happiness that of virtue; and that to live pleasantly, they must live virtuously. A wonderful discovery indeed! and can no body comprehend this, but Free-thinkers and Atheists? Why, this is the most beaten topic in all the books and sermons of your Clergy, That even in this life a virtuous man, a good christian, is the most happy of men; that God has forbid nothing beneficial and useful to us; that besides the future promises and threats, virtue carries here its own reward, and vice its own punishment. So that if this notion is sufficient to make a Free-thinker virtuous; much more will it operate upon christians, when supported and enforc'd with a firm belief of another life.

The result then of his arguments for a Free-thinker's *virtue* is this, That *he fears evil in this world, That he's a man of business and application, and loves pleasure in this life.* This is all the security he offers for his honesty and good behaviour. By which he declares himself and his clan to be mere *Atheists*, as much as if he had spoke it out. For, as
you

you see, immortality is quite out of their scheme; and the saying us'd here, *To live pleasantly, they must live virtuously*, is the very axiom of *Epicurus*, * *Ὁν ἔστιν ἡδέως ζῆν, ἄνευ τῆς Φρονίμως καὶ καλῶς καὶ δικαίως*, 'Tis not possible to live pleasantly, without living wisely, honestly, and justly, and so *vice versa*. This is said indeed; but said by him with so ill a grace, as to set folks a laughing. And our Author might have seen how all the other sects ridiculed this magniloquence of *Epicurus*, as inconsistent with his whole system; and prov'd by set and legitimate treatises, that a true *Epicurean* could not live a pleasant life, much less a virtuous. And I dare say, were this Writer's soul known, and if he speaks true of his application of mind, he finds no great pleasure in this gloomy doctrine of utter extinction.

But to leave that to his own conscience; he is very odd and diverting, when to prove this *Epicurean* notion, he draws in two passages of *Cicero*: † FOR who, says he, *lives pleasantly, except*

* *Κόγιας δόξας* num. v. & epistola ad Menoecea.

† *Pag.* 121.

him who delights in his duty, &c. This is quoted out of the fifth *paradox*, where he argues in the *Stoical* manner, *That the wise man alone is free, and every fool a slave: Quis enim vivit, ut vult, For who lives freely, as he list* (this our Writer translates pleasantly) *but he who delights in his duty, &c.* that is in short, *but the Wiseman of the Stoics?* Now, what a fetch and strein is here to draw this character to the *Epicurean*? How decently it sits upon him? He might as justly apply to him all the beatitudes in our Saviour's sermon on the mount.

But he has a second passage, *Offices* I, 2. * *Whoever places happiness in any thing besides virtue, &c.* Another sagacious application! Is this the man, that for four pages together insults the Clergy for misapplying passages of † *Tully*? This in the *Offices* stands really thus: The great Author having determin'd to write a book to his son (whom he had then plac'd under a *Peripatetic* master) *about the duties of civil life*, declares in the proëme what philosophers he would follow. *Because there are some sects*, says

* Pag. 122.

† Pag. 137, &c.

he,

he, that by wrong stating the ends of good and evil pervert all civil duty, friendship, justice, liberality, fortitude, temperance. For he that separates the chief good from virtue and honesty, and measures it by his own profit (if he is constant to his principle, and is not sometimes overcome by good nature) can neither be friendly, just, nor liberal; neither can he be courageous, who declares pain the greatest evil; nor temperate, who maintains pleasure to be the greatest good. These sects, subjoins he, if they are consistent with themselves, can have nothing to say, *de officio*, about civil duty. That subject solely belongs to Stoics, Academics, and Peripatetics. Where it is manifest, the Sects he reflects on are the Epicureans and Cyrenaics: and we have his plain declaration, That upon those principles no man can live honestly and virtuously. And yet this inauspicious gleaner, this new revisor forsooth of Cicero, will needs wrest this very passage to a commendation of Epicurus's and his own rules of morality. And pray observe how gingerly he translates *temperans*, moderate in the enjoyment of pleasure. Whereas tem-

N 3

perance,

perance, according to Tully, *in praetermittendis & aspernandis voluptatibus cernitur*, consists in the neglecting and despising of pleasure. If our Writer should be found a Popish Priest at last, I dare say he's a very easy and moderate Confessor.

XLV.

But he now leaves arguments *a priori*, and proceeds to historical accounts; wherein he will shew, * *That they who have been distinguish'd in all ages for their understanding and virtue, have been Free-thinkers*. Such Free-thinkers as his party are, or else all his labour is lost: and yet we shall find, that among his whole list there's scarce a pair that will come under that character.

SOCRATES, his first instance, *the divinest man of the heathen world*, was, as he says, *a very great Free-thinker*. By what mark or token? Why, † *he disbeliev'd the gods of his country, and the common creeds about them*. Allow that; though just before his death he made a

* Pag. 123.

† *ibid*.

hymn to *Apollo*, and left a sacrifice to *Aesculapius*; yet why is this character so peculiar to *Socrates*? I'll help our Author to a million of *Free-thinkers*, upon the very same reason. For *Constantine* himself, whom he abus'd before, and all the pagan converts to christianity before him and after, *disbeliev'd the* (same) *gods of their country, and the common creeds about them*. Nay they far excell'd *Socrates* in their free-thinking quality; for he timorously * *fell in with the reigning superstition of his country, and suffer'd it quietly to take its course*; but they heroically profess'd their true sentiments; in spite of terrors and tortures, condemn'd, routed, and trampled down *the gods of their country*; till pagan superstition was quite extinct, and wash'd away with the blood of so many martyrs. And why, pray, could not these deserve from our Writer the honourable name of *Free-thinkers*? The reason is manifest: the christians were *Free-thinkers* at first, while they *contradicted the herd of mankind*; but now christianity is establish'd, they themselves are become the

* Pag. 123.

herd; and consequently Free-thinking now consists in contradicting them. Dare he deny this is his notion? and that his characteristic of Free-thinking is to oppose a great majority? No matter whether right or wrong; whether the herd is in truth or in error, Free-thinking must be singularity. * *Unthinking, shallow fellow!* for at this rate, if the *growing sect* should so spread, as to attain the name of the herd; the only title then to free-thinking would be to oppose the *Free-thinkers*.

Well, but *Socrates* † *declar'd his dislike, when he heard men attribute repentance, anger, and other passions to the Gods; and talk of wars and battles in heaven; and of the Gods getting women with child, and such like fabulous and blasphemous stories.* This is quoted by him out of *Plato* in *Euthyphrone*, as if they were that Author's own words. And what a fine scene am I entring upon? He to complain of *mangling, forging, and corrupting* passages? And himself here to forge so openly, on purpose to hook in some bold and saucy blasphemy? *Repentance and anger attributed to the*

* Pag. 104. † Pag. 123.

Repen-

Gods: this glances aside at those frequent expressions of our Bible, *The wrath of the Lord*, and, *The Lord repented*. As if the whole herd of christians did not know, that these are not to be taken literally, but are spoken ἀνθρωποπαθῶς, in a human manner, accommodated to our capacities and affections: the nature of God being infinitely above all ruffles of passion. And then *wars and battles in heaven*: this is pointed against *Revelations* XII, 7. *And there was war in heaven; Michael and his angels fought against the dragon, and the dragon fought and his angels*. Now where has this Writer liv'd, or what idiot evangelist was he bred under; not to know that this is all vision and allegory, and not propos'd as literal truth. But his mother perhaps, that gave him his first notions about *Bel and the dragon*, might frighten too the naughty boy with *Michael and the dragon*. His last expression, *of the Gods getting women with child*, without doubt was design'd by him as a flout upon our Saviour's incarnation.

But when we come to consult *Plato* himself in the passage alledg'd here, how do all this Writer's insinuations vanish;
and

and how does his own impudence and prevarication appear? The whole passage is no more than this; *Socrates* discoursing with *Euthyphron* an *Harruspex*, who was bringing an indictment for murder against his own father, ask'd him if he thought it just and pious to do so: 'Yes, says the other, it is right and
 ' pious to bring an offender to justice,
 ' though he be my father; for so *Jove*
 ' bound his father *Saturn* in chains, for
 ' devouring his children; and *Saturn*
 ' before had castrated his father for some
 ' other crime. I confess, replies *Socrates*,
 ' when I hear such things said of
 ' the Gods, * *I assent with some diffi-*
 ' *culty*: but do you think these things
 ' true? and that there are really wars,
 ' and enmities and battles among the
 ' Gods; and many other such matters,
 ' as poets and painters represent? These
 ' are all true, says the other, and stranger
 ' things than these, which I could tell
 ' you.' This is all that is there said on this head: and then *Socrates* proceeds in his disputation, upon the very con-

* Δυχερῶς ὥς ἀποδέχομαι.

cession that these accounts of the Gods are true.

And hence first we may observe, that *Socrates* was not so free a thinker as our Writer represents him. For according to *Varro's* division of religions into *poetical, civil, and philosophical*; it is the first here that *Socrates* with some difficulty assents to, or very tenderly denies: whereas the *Stoics* that came after him, treated openly that whole poëtick system as *impious and superstitious*; * and these very stories of *Saturn* and *Jupiter*, and of the wars with *Titans* and *Giants*, and of Gods against Gods, as *wicked Fables, anile superstitions, foolish and pernicious errors*. But as to the *civil* religion, *Socrates* never oppos'd it, but always countenanc'd it both by discourse and example. His precept to his scholars about matters of worship, was to govern themselves νόμῳ πόλεως, *by the custom of the country*. He himself sacrificed regularly and openly both at home and at the public altars; he sent his friends to consult the oracle at *Delphi* upon all affairs of importance.

* Cicero de Nat. Deor. II, 24, 28.

How therefore will our Writer make out, *That he disbeliev'd the Gods of his country?* That indeed was the indictment against him; * *Αδικεῖ Σωκράτης, ὅς ἡ πόλις νομίζει θεὸς, ὃ νομίζων:* but he did not plead guilty to it. And though our Writer should now convict him, yet I am sure his celebrated *Daemonium*, by whose admonition and impulse he guided all his affairs, sufficiently secures him from being listed and consociated with our modern *Free-thinkers*.

Another thing we may observe from this passage of *Plato* is, the unfairness and malignity of our Writer; who without the least hint from his Author has foisted in two scoffs and contumelies upon the scripture. There's nothing said there of *God's repentance and anger*; not a word of *Gods getting women with child*: why then does he suborn *Plato* to speak what he never said? Why so great a name to cover his own impiety? *Mala mens, malus animus*: and from this instance take the measure of our Writer's veracity.

* Xenophon Memorab. lib. 1:

But

But he will still press *Socrates* into the service, and force him into his regiment of Free-thinkers; * *because he did not make notions, or speculations, or mysteries, any parts of his religion.* Not mysteries? a wager with our Writer, that he was initiated in the mysteries of *Ceres Eleusina*; and consequently, had he liv'd in the present age, would never have flouted *christianity* for being *mysterious*. But where is our Author's proof for this character of *Socrates*? Why, *he demonstrated all men to be fools, who troubled themselves with inquiries into heavenly things; and ask'd such inquirers, whether they had attain'd a perfect knowledge of human things, since they search'd into heavenly?* This the shrewd Author gives as a translation from † *Xenophon*; and he proposes here *heavenly things*, in the christian sense used by our Saviour and his apostles. What shall I say, or what shall I not say? But I have spent already all my wonder and words too upon this Writer's stupidity. Can any thing be plainer, than that the τὰ ὑψέρα, the *heavenly things* in that

* Pag. 125.

† Memor. lib. 1.

passage of *Xenophon* mean *celestial* bodies and appearances; their causes, magnitudes, and motions? These physiological inquiries, which had employ'd the former philosophers, *Socrates* let alone; and first turn'd his speculations to morality and human life. This is it, that *Xenophon* says there express; and it is echo'd over and over in all ancient * Authors. Let us take now our Writer's argument, and see how it concludes; *because Socrates did not cultivate astronomy, but ethics; therefore he had no mysteries in his religion.* Because our Writer has cultivated no science at all; *therefore* he makes such silly syllogisms, and blunders abominable.

XLVI.

To bring PLATO in among his *Free-thinkers*, our Writer is put hard to his shifts, and forc'd to make several doubles. He was not so *free*, † he owns, as *Socrates*; but alarm'd at his fate, kept himself more upon his guard, *and never*

* See Cicer. Acad. I, 4. Tusc. III, 4. & V, 4. Diogenes Laert. in Soc. and many more. † Pag. 126.

*talk'd publickly against the religion of his country. This is arguing backwards, and gives him one remove out of the list. But he brings him back with a fetch, For he thought himself into notions, so contrary to those known in Greece, and so resembling christianity; that as some christians suspected he had read the Old Testament, so Celsus charges our Saviour with reading and borrowing from him. Allow this, and admire the consistency of our Writer's language and sentiments. The Free-thinking of Plato, by his present account of it, consisted solely in approaching to christianity: but our modern Free thinking lies wholly in receding from it, in a course retrograde to that of Plato. This Free-thinking is a mere *Empusa*; it changes shapes as fast as *Vertumnus*:*

Quo teneam vultus mutantem Protea nodo?

But he goes on, and remarks, * *That Origen indeed very well defends our Blessed Lord from Celsus's charge. When you see the words very well, and the*

* *Pag. 127.*

complement of *Blessed Lord*, you are to expect from our Writer some smart piece of burlesque. And here you have it; *For Origen, says he, well replies, That Cellus deserves to be laugh'd at, when he affirms JESUS had read Plato: who was bred and born among the Jews; and was so far from having been taught greek letters, that he was not taught hebrew letters, as the Scriptures testify.* You see, *Origen's* answer here is commended as *very good*; to insinuate with a sneer, that our Saviour was *illiterate*. Contemptible buffoon! *Origen* did not mean, he had *no letters*, but that he did not acquire them in the vulgar way, by institution and industry. He was θεοδιδάκτος, αὐτοδιδάκτος, *taught of God, taught of himself*. Which made the *Jews* exclaim, who knew his parentage and education, * Πόθεν τέτω ἡ σοφία αὐτῆ; *Whence hath this man this wisdom?* Need he to learn languages under a preceptor, who could give to his disciples the gift of all languages? Need he be taught wisdom by *Plato* or *Gamaliel*

* Matt. XIII, 54.

who

who was *essential wisdom itself*, ἡ σοφία καὶ ὁ λόγος θεῶν?

But he has another gird upon christianity ; * *For Amelius a heathen Platonist, upon reading the first verses of St. JOHN the Evangelist, cried out, By Jove, this Barbarian is of our master Plato's opinion : where he imposes again on the english reader with his Barbarian, as he did before with his Idiot Evangelist. For ὁ βάρβαρος in the original has no notion in it of contempt of the person ; but relates solely to the country of Palestine, as out of the bounds of Greece. But, pray, where did our learned Writer find this odd and scurrile turn of Amelius's words? The passage itself, Amelius's own writing, is extant in † Eusebius, Theodorit, and Cyrill ; which I shall translate without either forging or mangling : And this, says Amelius, was ὁ λόγος the word : by whom, being himself eternal, all things that are existed ; as Heraclitus would maintain : and indeed whom the Barbarian affirms, having the place and dignity of the beginning (or principle) to be*

* Pag. 127. † Euseb. Praep. p. 540. Theod. Graec. Affect. p. 33. Cyrill. c. Julian. p. 283.

with God, and to be God; by whom all things intirely were made; in whom whatever was made hath it's life and being; who descending into body, and putting on flesh, took the form of man; though even then he gave proof of the majesty of his nature: nay, and after his dissolution, was deified again; and is God, the same he was before he descended into body, and flesh, and man. Is there any air in all this of banter or contempt? Has it not, the very contrary, an air of the most serious assent and approbation? has he not paraphras'd the Evangelist's words in the best stile and manner? *Περάγεται καὶ τεθαύμαζε*, says Theodorit; *Amelius venerates and admires the proëme of St. John's Gospel*: and perhaps it was he (though no worse, if it was another *Patonist*) who said * *It deserv'd to be writ in letters of gold, and set in the most conspicuous place in every church.* And who now is the *Barbarian*, but our Writer himself? The

* Augustin de Civ. Dei x, 29. Quod initium S. Evangelii, cui nomen est secundum Joannem, quidam Platonius aureis literis conscribendum & per omnes Ecclesias in locis eminentissimis proponendum esse dicebat.

Platonist he brought to affront the Evangelist, is found an adorer of him. I hope he'll learn in his next performance, not to depend too much on second or fifth-hand citations.

Our Author seems sensible, that he drags *Plato per force* into the club of *Free-thinkers*; as *Cacus* did his oxen into his cave by the tails. For which hanging back and reluctancy *Plato* shall have a dash; and since he cannot make a good *Free-thinker* of him, he'll make him a creed-maker: * *For several of his notions became fundamental articles of the christian faith.* It really may be so: for the first article of my faith is, *I believe in God, and that † he that cometh to God, must believe that he is; and that he is a rewarder of them that diligently seek him.* And I persuade myself, that *Plato* and his master, and many other good men, before our Saviour's manifestation, had the very same article. And I had rather have my soul be with those, though they had not the light of the gospel; than with such of our moderns, as trample pearls under their

* Pag. 128.

† Heb. xi, 6.

feet, and rend those that lay them before them. But I do not owe this article to *Plato*, but to God the common Author of nature, and Father of rational light. When our Writer specifies more articles, as borrow'd from *Plato*, your own Divines will take care of him, and do justice to revelation.

Yes, * *but zealous christians forg'd several things under Plato's name, with which they had great success in the conversion of the heathen world.* He's at his old charge of forgery, though it never succeeds in his hands. And what, pray you, did they forge? Why, *the thirteenth letter to Dionysius, printed in his works.* But is this our Author's own criticism? is it supported by any reasons hammer'd on his own anvil? Not the least pretence to those: but he refers to *Dr. Cudworth*, and the business is done. O wretched gleaner of weeds! Has he read that noble work, *The intellectual system*, to no better purpose? One oversight, one error he culls out for his use; and passes over a thousand

* *Pag. 128.*

noble truths, that might have made him a better Man, and no Writer.

The Doctor there says, * *It is supposititious and counterfeit by some zealous and ignorant Christian ; as there is accordingly a νοθεύεται or brand of bastardy prefix'd to it in all the editions of Plato's works.* That's true indeed of the brand ; but he was a bold ignorant that put it there. That Letter is as genuine as any of the rest ; and was receiv'd in the list before the Christian name began. † *Laertius an Epicurean*, who liv'd in *Antoninus Pius's* time, gives a catalogue of them all ; *Επιστολαὶ τρισκαίδεκα*, says he, *Epistles thirteen* : and so *Suidas* in *Εὐπρέττειν* : but take this branded one away, and there are but *twelve*. Among these are *πρὸς Διονύσιον τέτταρες*, *four*, says he, *to Dionysius* : remove this suspected one, and there remain but *three*. In a word, all the present thirteen answer exactly to his list, both in names and in number ; except a small various Lection, *To Aristodorus* the Xth Letter, whom he calls *Aristodemus*. And this alone is sufficient to

* Cudworth, p. 403. † *In Platone*, III, 61.

clear the Christians of the pretended forgery. For surely *Laertius* could come at Copies of *Plato* 200 years old; since we now have them of 700 or more; and if the present XIIIth was there, it must be writ before Christ was born. But to go farther still: this recension of *Plato's* works he gives not from himself, but from *Thrasyllus*; who flourishing in the time of *Augustus* must needs be older than Christ. Nay he cites, without the least hint of diversity in the number, another recension by *Aristophanes Grammaticus*; who was a Writer 200 years before the Christian *Aera*. And now, if we look into the internal character of the Letter it self, it will have all the marks of genuineness. 'Tis not some staple Common Place, as most of those forg'd by the Sophists are; but a Letter of business, circumstantiated with great variety of things and persons, all apt and proper to the Writer, and to the date. It was forg'd therefore by no body; much less by any *Christian*: who certainly would never have put Idolatry into a Letter, made (as our Writer says) *for the conversion of the Heathens*. *I have got you,* says *Plato*

Plato there, a Statue of *Apollo* ; and *Leptines* conveys it to you : it's made by a young and good workman, whose name is *Leochares* : this was that *Leochares*, afterwards a most famous Statuary, celebrated by *Pliny* and *Pausanias* : and the time hits exactly, for then he was young. Which is as great a mark, that the Letter is genuine ; as it is a demonstration, that no *Christian* forg'd it. And lastly, the ground of this suspicion, a Passage yet extant in it and quoted by * *Eusebius* and *Theodorit*, is a weak and poor pretence. As for the Symbol, says he, or private mark you desire, to know my serious Letters and which contain my real sentiments from those that do not so ; know and remember, that τῆς μὲν σπεδαίας ἐπιστλῆς Θεὸς ἄρχει, Θεοὶ δὲ τῆς ἡττον, GOD begins a serious Letter, and GODS one that's otherwise. This the Fathers (and not unjustly) made use of as some indication, that *Plato* really believ'd but One God.

Which notion your learned Doctor not approving, as contrary (in his opinion) to the *Platonic* system, he de-

* *Euseb. Praep. p. 530. Theod. Affect. p. 27.*

cries the Letter as spurious. But this is no consequence at all, whatsoever becomes of *Plato's* true thoughts. The *Symbol* he here speaks of, made no part of the Letters, nor began the first Paragraph of them : for here's neither $\Theta\epsilon\acute{o}\varsigma$; nor $\Theta\epsilon\acute{o}\iota$ in that manner in any one of the thirteen. 'Twas extrinsic (if I mistake not) to the Letter, and was a mark at the top of it in these words, $\Sigma\upsilon\nu\ \Theta\epsilon\acute{\omega}$, if it was a serious one ; otherwise, $\Sigma\upsilon\nu\ \Theta\epsilon\acute{o}\iota\varsigma$. These two were the common forms in the beginning of writings or any discourse of importance : and in their usage were equivalent and indifferent ; Philosophers, as *Xenophon* and others, having it sometimes $\Sigma\upsilon\nu\ \Theta\epsilon\acute{o}\iota\varsigma$; and Poets, as *Euripides* and *Aristophanes*, $\Sigma\upsilon\nu\ \Theta\epsilon\acute{\omega}$. So that *Plato* could not have chosen a Symbol fitter for his turn : being in neither way liable to any suspicion ; nor any inference to be drawn from it to discover his real opinion. And yet I am so much a friend to *Eusebius's* remark, that I would not wish *Plato* had made the other choice, to put $\Sigma\upsilon\nu\ \Theta\epsilon\acute{o}\iota\varsigma$ in his solemn Letters, and $\Sigma\upsilon\nu\ \Theta\epsilon\acute{\omega}$ in his slight ones.

Had

Had our Writer carried his point in this instance of forgery, could he have done any great feats with it? yes a mighty one indeed! he could have added one *pious fraud* more, to a hundred others that are detected ready to his hand. But, pray, who are the discoverers of them? the Christian Priests themselves: so far are they from concealing or propagating them, or thinking their cause needs them. And I challenge him and the whole fraternity to shew one single one that they discover'd, and owe not to the Clergy? Even this mistaken one is pick'd from your *Cudworth*. Most able Masters of stratagem! ever to hope to vanquish Religion by arms borrow'd from the Priests? they may be sure, there's no danger of the strong Town's being taken, while the Garrilon within can afford to lend the Besiegers powder.

So far are modern Christians from protecting old forgeries, that they are ready to cry *spurious* without ground or occasion. As not only this XIIIth by Dr. *Cudworth*, and before him by *Al-dobrandinus*, but another Letter of *Plato's* is call'd in question by *Menagius*.
There

* *There are thirteen Letters extant, says he ; among which, one to Erastus and Coriscus, quoted by Clemens and Origen, is now wanting : but it seems to have been spurious, and forg'd by the Christians.* Now all this is mere dream and delusion. That very Letter is expressly nam'd by *Laertius*, Πρὸς Ἑρμείαν καὶ Εράστου καὶ Κορίσκου μία, *one, says he, to Hermias and Erastus and Coriscus ;* and it's the VIth of the present set of thirteen ; and the passages thence cited by *Origen, Clemens, and Theodorit* too, are extant there exactly ; and there's nothing in it for the Christian cause, but what may be prov'd as strongly from several other places of *Plato's* undoubted works. But what mischief have I been doing ? I have prevented our *Free-thinker* : who, after he had dabbled by chance in *Menagius*, might have flourish'd with a new forgery, and magisterially preach'd it to his credulous crew.

* Aldobrand. & Menag. ad Laertium III. 61.

XLVII.

ARISTOTLE, the next in the *Free-thinking* row, makes a very short appearance there, and goes quickly off the Stage. His title hangs by two slender threads, first, * *That he furnish'd articles of faith to the Popish Church, as Plato did to the primitive.* Now I had thought, that *Creed-making* and *Free-thinking* (even allowing the charge to be true) had been words of a dilparate sense, that look'd askew at each other: and how both of them come to fit so amicably upon *Aristotle*, surpasses my comprehension. But the matter is no more than this: As the primitive Christians in their disputes with the Pagans made great use of the *Platonic* philosophy; not to coin articles, but to explain them, and refell the adversaries objections: so the school-men, in the popish times, had recourse to the *Peripatetic*, the sole systeme then in vogue. And yet these 'did not *make* articles from it: our Author's weak, if

* Page 128.

he thinks so : neither did *Palavicino* so mean it. The peculiar doctrines of that church came from politics, not metaphysics ; not from the chairs of professors, but from the offices of the Roman court. And the school-men were their drudges, in racking *Aristotle* and their own brains to guild and palliate such gainful fictions ; and to reconcile them, if possible, to common sense, which ever hated and spurn'd them.

The second title *Aristotle* holds by, is a charge of * *Impiety* ; which I must own promises well, if it could be made good : for that word and *Free-thinking* are very closely combined, both by affinity and old acquaintance. *He was forc'd*, says he, *to steal privately out of Athens to Chalcis ; because Eurymedon accus'd him of impiety, for introducing some philosophical assertions contrary to the religion of the Athenians.* The Voucher he brings for this is *Diogenes Laertius* : but under his old fatality of blundering, he summons a wrong witness. *Origen* indeed says something to

* *Pag.* 128.

his purpose, that he was impeach'd
 Διὰ τινὰ δόγματα τῆς Φιλοσοφίας αὐτῆς, *for*
some doctrines of his philosophy. But
Laertius and *Athenaeus* lay the indict-
 ment quite otherwise; *for impiety, in*
writing and daily singing a Paean (a
 sort of hymn peculiar and sacred to the
 Gods) to the memory of his patron
Hermias, tyrant of *Atarna*, an eunuch,
 and at first a slave. This short Poem,
 in the dithyrambic stile, is yet extant in
 both those Authors :

Ἀρετὰ πολύμοχαε,

Γένει βροτείῳ

Θήραμα κάλλιπον βίῳ, &c.

So the words are to be read and pointed.
 Neither is there any doubt but this was
 the sole charge which that sycophant
 brought against him : for if he had im-
 peach'd his doctrines, there had been no
 need of this stale business ; which was
 then of xx years standing, the death
 of *Hermias* happening in *Aristotle's*
 xlth year, and this accusation in his
 lxth. So that another of our Writer's
 list is like to give him the slip : for the
 impeachment, we see, was not against
 the

the Philosopher, but the Poet ; not for *free-thinking*, but the reverse of it *superstition* ; for deifying a mortal man, not for ungoding the deities.

XLVIII.

But he's now come to *EPICURUS*,
* *a man distinguish'd in all ages as a great Free-thinker* ; and I do not design to rob our growing sect of the honour of so great a founder. He's allow'd to stand firm in the list, in the right modern acceptation of the word. But when our Writer commends his *virtues towards his parents, brethren, servants ; humanity to all, love to his country, chastity, temperance, and frugality* ; he ought to reflect that he takes the character from *Laertius*, a domestic witness, and one of the sect ; and consequently of little credit where he speaks for his master. I could draw a picture of *Epicurus* in features and colours quite contrary ; and bring many old witnesses, who knew and saw him, to vouch for it's likeness. But these things

* *Pag.* 129.

are trite and common among men of true letters : and our Author and his pamphlet are too contemptible, to require common places in answer.

But the *noble quality* of all, the *most divine* of his and all virtues was his *friendship* ; so cultivated in perfection by him and his followers, that the succession of his school lasted many hundred years, after all the others had fail'd. This last part is true in the Author from whom it's taken ; but our gleaner here misunderstands it. The succession indeed continued at *Athens*, in the garden dedicated to it ; longer than the other sects possess'd their first stations. But it's utterly false, that professors of it lasted longer in general, than those of the others. Quite contrary : 'tis well known that the *Platonists*, *Peripatetics*, and *Stoics*, or rather a jumble and compound of them all, subsisted long after the empire was christian : when there was no school, no footstep of the *Epicureans* left in the world.

But how does our Writer prove, that this *noble quality*, *friendship*, was so eminently cultivated by *Epicurus* ?
Why,

Why, *Cicero*, says he, *though otherwise a great adversary to his philosophical opinions, gives him this noble testimony.* I confess, it raises my scorn and indignation at this mushroom scribler; to see him by and by with an air of superiority prescribing to the whole body of your clergy, the true method of quoting *Cicero*. They consider not, says he, he writes in *dialogue*; but quote any thing that fits their purpose, as *Cicero's* opinion, without attending to the person that speaks it; * *Any false argument, which he makes the Stoic or Epicurean use, and which they have thought fit to sanctify, they urge it as Cicero's own.* Out of his own mouth, this pert teacher of his betters:

Ἀλλῶν ἰατρός, αὐτὸς ἔλκεσι βρύων.

For this very *noble testimony*, which he urges here as *Cicero's* own, comes from the mouth of † *Torquatus* an *Epicurean*: and is afterwards refuted by *Cicero* in his own name and person. Nay so purblind and stupid was our Writer, as not

* Pag. 138.

† De Fin. I, 20.

to attend to the beginning of his own passage, which he ushers in thus dock'd and curtail'd: *Epicurus ita dicit, &c.* Epicurus declares it to be his opinion, that friendship is the noblest, most extensive, and most delicious pleasure. Whereas in *Torquatus* it lies thus: * *The remaining head to be spoke to is FRIENDSHIP; which, if pleasure be declar'd the chief good, You affirm will be all gone and extinct: de qua Epicurus quidem ita dicit, concerning which Epicurus declares his opinion, &c.* Where it's manifest, that *affirmatis, you affirm*, is spoken of and to *Cicero*. So that here's an *Epicurean* testimony of small credit in their own case (though our Writer has thought fit to sanctify it) flurr'd upon us for *Cicero's*; and where the very *Epicurean* declares, that *Cicero* was of a contrary opinion.

That an *Epicurean* who professes to cultivate friendship for no other end than his own profit and pleasure, could not upon that principle be a true and real FRIEND, was the general affirmation of

* De amicitia, quam, si voluptas summum sit bonum, affirmatis nullam omnino fore.

all the sects besides. *Cicero*, an *Academic*, is constant in this charge; as in the * II book *de Finibus*, where he answers this passage of *Torquatus*; in *Offices* I, 2. cited here above, and in III, 33. *de Amicitia*, c. 13. *Academ.* II, 46. *de Nat. Deorum* I, 44. 'Tis true, he does acknowledge that several of that sect were his own good friends, and men of virtue and honour: but then he declares he imputed this, *naturae non disciplinae*; to their good nature and not their doctrine; their lives being better than their principles. I could add numbers of *Greeks* concurring in this accusation: but I'll content myself with *Plutarch*, whom our Writer so extols for his *learning* and *virtue*, and places among his *Free-thinkers*. He impeaches the *Epicurean* notions, as destructive not of † *friendship* only, but of *natural affection*. Nay he sums up their common character in a few comprehensive words, Αφιλία, ἀπραξία, ἀθεότης, ἡδυπάθεια, ὀλιγωρία, ‡ *unfriendliness, inactiveness, ungodliness, volup-*

* De Fin. II, 24, 25, 26.
contra Coloten, p. 2037, 2041, 2058.
p. 2018.

† Plutarch
‡ Idem,

tuousness,

tnousness, unconcernedness. These Qualities, says he, all mankind, besides themselves, think inherent in that sect. And what's like to become now of his hero's noble quality? Which of the Free-thinkers must we believe? Our Writer has muster'd them together, as if they were all of one side: but when they are turned loose into the pit; they play exactly the same game as the famous Irish-man's cocks did.

But see the sneer, for the sake of which this *Epicurean friendship* was introduc'd by him: * *We christians, says he, ought still to have a higher veneration for Epicurus; because even our holy religion itself does not any where particularly require of us such a high degree of virtue.* So that we are to supply and perfect the gospel moral out of an atheistical system; and *Christ* is to go to *Epicurus*, as to the superior *Rabbi*. Impudent, and dully profane! In the Old Testament *friendship* is celebrated both by excellent precepts and eminent examples: but there was no occasion to do it in the new. That quality is so exalted and ex-

* Pag. 129.

panded there, that it loses its very name, and for Φιλία *friendship* becomes Φιλὰδελ. Φία and Αγάπη, *brotherly love* and *charity*. Friendship in the pagan notion was * *inter duos aut inter paucos, circumscribed within two persons or a few*: whence Aristotle's saying was applauded, ὅτι φίλοι ἔ φίλος, *He that has friends, has no friend*: but christian friendship or charity, in the same degree of affection, is extended to the whole household of faith; and, in true good-will and beneficence, to all the race of mankind. Not that particular friendships arising from familiarity and similitude of humours, studies, and interests, are forbid or discouraged in the gospel: but there needed no precept to appoint and *require*, what nature itself, and human life, and mutual utility sufficiently prompt us to. A bridle was more necessary than a spur for these partial friendships; where the straight rule of moral is often bent and warp'd awry, to comply with interest and injustice under a specious name: as many of the most magnified instances sufficiently shew. But I'm insensibly

* Cicero de Amic. cap. v.

here become a preacher, and invade a province, which you clergy-men, and the *English* of all others, can much better adorn.

XLIX.

Before I proceed to the next in his row, I shall make a general remark on our Writer's judgment and conduct. He has brought the authors of three sects, *Plato*, *Aristotle*, and, with the greatest mark of approbation, *Epicurus*. Pray, how came he to drop the others? *Aristippus* the *Cyrenaic* cried up *pleasure*, as much as that *Gargettian* did; had strumpets for his mistresses and she-disciples, as well as he; and well deserv'd the honour of being in the list. Even *Diogenes* the *Cynic* would have made a laudable *Free-thinker*, for that single assertion, *That marriage was nothing but an empty name*; and * *he that could persuade, might lie with any woman that could be persuaded*. Nay even *Zeno* himself, the father of *Stoicism*, as gruff as he look'd, might have enlarg'd our

* Τὸν πείσαντα τῇ παιδείᾳ συνεῖναι. Laërt.

Writer's catalogue, for some very *free thoughts* about the indifferency of things;
 * *That all women ought to be common;*
that no words are to be reckon'd obscene;
that the secret parts need no covering;
that incest and sodomy have no real crime
nor turpitude. Where was our Author's
 reading, when he omitted such illustrious
 examples, that might have graced and
 dignified his list, full as much as *Epi-*
curus?

The remainder of his roll are not
 founders, but followers of the several
 sects. But be they one or the other,
 masters or scholars; what shallowness,
 what want of thought in our Writer, to
 impose and press these upon us for our
 imitation in *Free-thinking*? Many of
 his blunders are special, and reach no
 further than a paragraph: but here his
 stupidity is total; and in the whole com-
 pass and tendency of his passages he's as
 blind as a mole. The great outcry
 against the church, which is always in his
 mouth, is it's imposing a system of opi-
 nions to be swallow'd in the gross,
 without liberty of examining or dissent-

* Sextus Empir.

ing : Allow it : though even this is false, the impos'd opinions being few and true and plain ; and a large field left open for freedom and latitude of thought : as his own book attests, which is mostly spent in collecting the various notions of your clergy. But how would our Writer mend this ? by recommending the freedom of the leaders and followers of the sects of philosophy ? Ridiculous direction ! Bid us copy free government from *France*, and free toleration from *Spain*. Those very sects, all without exception, prescrib'd more imperiously than christianity itself does : and not in a few generals, some easy articles of a short creed ; but in the whole extent of reasoning, both natural, and moral, and even in logical inquiries. Any scholar of a particular sect, though commonly enter'd in it young ; and by his parent's choice, not his own ; was to be led shackled and hoodwink'd all the rest of his life. He assented and consented to his philosophical creed in the lump, and before he knew the particulars. It was made the highest point of honour, never to desert nor flinch : *scelus erat dogma prodere, it was flagitious to betray a*
P 4 *maxim :*

maxim: they were all to be defended, sicut moenia, sicut caput & fama, like his castle, as dear as his life and his reputation. And there were fewer instances then of leaving one sect for another, than now we have of defection to popery, or of apostacy to mahometism. And I'll give our Writer one observation upon *Cicero*, better worth than all he has told us; that in all the disputes he introduces between the various sects; after the speeches are ended, every man sticks where he was before: not one convert is made (as is common in modern dialogue) nor brought over in the smallest article. For he avoided that violation of *decorum*; he had observ'd in common life, that all persevered in their sects, and maintain'd every *nosstrum* without reserve. But of all sects whatever, the most superstitiously addicted and bigoted to their master were our Writer's beloved *Epicureans*. In others, some free-thinking or ambitious successor might make a small innovation, and thence forwards there was some scanty room for domestic disputation: but the *Epicureans*, those patterns of friendship,

ship, never * disagreed in the least point : all their masters dreams and reveries were held as sacred as the laws of *Solon* or the *twelve tables*. 'Twas ἀσέβημα, παρὰ νόημα, *unlawful, irreligious*, to start one free or new notion ; and so the stupid succession persisted to the last, in maintaining that the sun, moon, and stars, were no bigger than they appear to the eye ; and other such idiotic stuff, against mathematical demonstration. O *fine liberty ! O diligence and application of mind !* This is our Writer's admired sect : these his saints and his heroes. Could it be revived again at *Athens*, he deserves for his superior dulness to be chosen Κηποτύραννος, † *the prince of the garden*.

L.

We are advanc'd now to PLUTARCH, whom, though a *heathen priest*, he will dub a *Free-thinker*. This is very obliging : but in the close of his catalogue he'll extend the same favour even to the *Jewish* prophets, and the *Christian* priests. I perceive his politics, *totum*

* Laërtius, Numenius, &c. † Laërt. in Epicuro.

orbem civitate donare, to make all religions in the world free of his *growing sect*. It will grow the better for it; especially if he aggregates to it his *Talapoints* and his *Bonzes*. But wherein has *Plutarch* so obliged the fraternity? in his treatise of *superstition*; a long passage out of which fills * two of our Writer's pages: and yet the whole is pure impertinence, and contributes nothing to any *free-thinking purpose whatever*.

The design of *Plutarch* is to shew the deplorable misery of superstition, when it is in extremity; when a man imagines the gods, under the same idea we now do the devils; when he fancies them † ἐμπλήκτες, ἀπίστες, εὐμεταβόλους, τιμωρητινὲς, ὠμὰς, μικρολύπες, *mad, faithless, fickle, revengeful, cruel, and disgusted at the smallest things*; when he figures Diana, Apollo, Juno, Venus, as acting under the most frantic and raving distractions; when he approaches trembling to the temples, as if they were the dens of bears, dragons, or sea monsters. When superstition, says he, is arriv'd to this pitch, it's more intole-

* Pag. 132, 133.

† Plut. p. 295, 296.

rable than Atheism it self; nay it produces Atheism, both in others that see them, and in themselves, if they can emerge to it. For when fools fly from superstition, they run into Atheism, the other extreme, * ὑπερπιδήσαντες ἐν μέσῳ κειμένην τὴν Εὐσέβειαν, skipping over right religion that lies in the middle, This is the sum of Plutarch's book: and what's all this to our Writer's design? Superstition, under this character, is not possible to be found in christianity; it can be no where but under pagan and poetical theology. In other † places the same Author scourges atheism as severely as superstition here: nay he prefers a moderate superstition infinitely before it. But those passages are to be drop'd; and this out of so many volumes is singled out as a flower: which yet serves to no better end, than to shew our Writer understands neither the language nor the sense.

Superstition, says he, (by ‡ way of insertion) *by which the Greeks meant the fear of God, and which Theophrastus*

* Plut. p. 299. † Contra Colotem, & alibi.
‡ Pag. 132.

in his characters expressly defines so. Not a syllable of this true. The Greeks meant not absolutely fear, but an erroneous and vitious fear: and Theophrastus defines it, not δέος fear, but δειλία, a vain fearfulness. And so Cotta in Tully, where he blames such as our Writer, * who not only root superstition up, in qua est INANIS TIMOR Deorum, which is a VAIN FEAR of the Gods, but religion too, which consists in the pious worship of them. Nor does the verse of Horace quoted by him in the margin,

Quone malo mentem concussa ? timore deorum.

prove his assertion. For there *malo*, which precedes, communicates its signification to *timore*; as if he had said plenarily, *malo timore*, a wrong and vitious fear. The same Poët, Odes I, 35, 36.

*Unde manum juvenus
METU DEORUM continuit ? quibus
Pepercit aris ?*

without doubt means religion, and not superstition: and so does Terence in *Hecyra*:
Nec

* Nat. Deor. I, 42.

Nec pol istae METUUNT DEOS, neque has respicere deos opinor.

But there are other strokes in the version itself, that shew his faithfulness and ability. * *But of all fears, says he, none confounds a man like the religious fear.* Here on purpose he leaves his guide, the last *English* translator, who has it, *The vain religious*: and the original, φόβος ὁ τῆς δεισιδαιμονίας, *the fear arising from superstition.* He will fix a calumny on religion and the fear of God, in spite of his Author.

His justness of thought is conspicuous in his version of this period: † *Even slaves forget their masters in their sleep: sleep lightens the irons of the fetter'd: their angry sores, mortified gangrenes, and pinching pains allow them some intermission at night: but superstition will give no truce at night.* If Plutarch had writ no better in the original, he would scarce have been now *the most known of all the ancients*, but long ago had been forgot. Mind the absurdity:

* *Pag.* 132.

† *Pag.* 133.

THEIR *angry sores*, that is, of the *fetter'd*: as if all captives, or criminals, or slaves in chains, *must needs* be full of sores and ulcers? And then *mortified gangrenes* allow some *intermission* of pain. If he had consulted physicians, he might have known, that *mortified parts* can give no pain at all, and consequently have no *intermission*. And lastly, *sores and pains* allow *intermission* AT NIGHT: False; for night is the periodical time of aggravation of pains. But *superstition* will give no truce AT NIGHT. Is that such a wonder? even less truce than in the day; for darkness and solitude increase the fears. What a series of nonsense has he father'd upon *Plutarch*? Of which nothing appears in the greek; neither *their sores*, nor *mortified gangrenes*, nor at night. I'll translate the passage word for word: *Sleep lightens the irons of the fetter'd: inflammations of wounds, cancerous corrosions of the flesh, and all the most raging pains dismiss men, while they sleep: superstition alone gives no truce nor cessation even in sleep.* If this is not unworthy of *Plutarch*, the other certainly becomes none but our Writer and his company.

But

But now comes a signal instance of the lightness of his hand, and the heaviness of his head. In the middle of his long citation, page 133, after the words *at noon-day*, he drops the period which immediately follows in the original; and transfers it into his 134th page, as if it was quoted from another place, and belonged to another head. Why this legerdemain? Why this mangling and luxation of passages? The reason is apparent: for *Plutarch's* own words, as they were represented in the last *English* version, not serving his turn; he quotes the place as it is translated forsooth in the *Characteristics*, a book writ by an Anonymous, but whoever he is, a very whimsical and conceited author.

* *O wretched Grecians* (so that Author renders *Plutarch*) *who bring into religion that frightful mien of sordid and vilifying devotion, ill favour'd humiliation and contrition, abject looks and countenances, consternations, prostrations, disfigurations; and, in the act of worship, distortions, constrain'd and painful postures of the body, wry faces,*

* Page 134.

beggarly

beggarly tones, mumpings, grimaces, cringings, and the rest of this kind. Thus far that nameless Opiniatre; and our worthy Writer introduces it with a grave air, **That Plutarch thus satirizes the public forms of devotion; which yet are such, as in almost all countries pass for the true Worship of God.* This would partly be true, if those were really the words of *Plutarch*: but as not one syllable of them is found there, what must we think of this couple of Corruptors and Forgers? There is nothing in all this, but their own *disfigurations* and *distortions* of the Original; their own *mumpings*, and *beggarly tones*, while they pretend to speak in *Plutarch's* voice.

Plutarch having observ'd, *That Superstition alone allows no ease nor intermission, even in sleep;* 'for their dreams, 'adds he, do as much torment them 'then, as their waking thoughts did 'before. And then they seek for ex- 'piations of those visions nocturnal; 'charms, fufurations, dippings in the 'sea, sittings all day on the ground.'

* Page 134.

* O

* *O Greeks, inventors of Barbarian ills,*

*whose superstition has devis'd rowlings
in the mire and in the kennels, dippings
in the sea, grovelings and throwings
upon the face, deformed sittings on the
earth, absurd and uncouth adorations.*
This is a verbal interpretation of that
place; except that for σαββατισμὸς, *sab-
batisms*, I have emended it βαπτισμὸς,
dippings: and this, if I mistake not,
for very good reasons. Neither σαββα-
τισμὸς, nor σαββατίζειν is any where else
heard of: and *sabbata* being deriv'd and
borrowed from the *Jews*; it is inconsis-
tent with ἐξευρόντες, *Greeks inventors* of
such evils, that are more worthy of
Barbarians. But, what weighs most,
the Author here describes the most pain-
ful and sorrowful instances of supersti-
tion: but the *sabbata* was a joyful fes-
tival, made up of ease, finery, and good
cheer. This is certain from the *Jewish*
rituals, which exact that the very poorest

* Ὁ βάρβαρ ἐξευρόντες Ἕλληνες κακὰ,
τῇ δεισιδαιμονίᾳ, πηλώσεις, κηλαβορβυρώσεις, βαπτισμὸς,
ρίψεις ἐπὶ πρόσωπον, αἰχρὰς προσκαθίσεις, ἀλλοκότους
προσκυνήσεις.

Q

should

should wear their best garments, and eat three meals every sabbath. And that *Plutarch* knew this, appears from his *Symposiasts*, IV, 5. where, he says, *The Jews honour the sabbath, if possible, by * drinking and carousing together; or, if that cannot be done, some wine at least must be tasted: and from this very tract, p. 294. where he tells us, That the Jews once suffer'd their walls to be taken by the enemies, without stirring to oppose them, σαββάτων ὄντων ἐν ἀγυάπτοις καθέζομενοι, but sitting still, because it was sabbath, in their new cloaths, never sent to the Fuller: which your last english version absurdly translates, sitting on their tails. From the whole I suppose it is plain, that Plutarch would not mix a rite which he knew to be joyful, with those other ceremonies the most mournful and desponding. But then βαπτισμός, dippings in rivers or the sea, exactly suits with the rest: both word and thing being immemorially known in Greece, and the most frequent way of expiation with melancholy and dejected Bigots. Whence he himself has it a little before, βάπτισον*

* Πίνειν καὶ οἰνεῖσθαι

σεαυτὸν εἰς θάλασσαν, * *dip yourself in the sea*: and that verse of *Euripides* became proverbial;

Θάλασσα κλύει πάντα τὰνθρώπων κακὰ:

The sea does expiate all mortal ills.

And now I dare ask the reader, if he has seen a more flagrant instance of unfaithfulness and forgery, than this of our two writers. *Humiliation and Contrition*, known words in your *english* liturgy, are to be traduc'd here under *Plutarch's* name. Where do those and their other phrases appear in the original? or where do the rites, he really speaks of, appear in your *form of worship*? Who among you *roul themselves in mire, or wallow in kennels*? a ceremony fit only to be injoin'd to such *crack-brain'd and scandalous writers*.

LI.

He's got now to his *latin* Free-thinkers, and the leader of them is VARRO, † *the most learned of all the*

* Page 288.

† Page 134.

Romans. Now *Varro* being a known Follower of the old Academy, **Veteris Academiae sectator*, that is, a true *Platonist*, we know all his system of theology at once: and he cannot be called a *Free-thinker*, in either of the senses that our Writer plays and shuffles with. Not an *Atheist*, because the *Platonic* notions had † a great conformity with *Christianity*: not a free reasoner or innovator; because being *addictus & juratus*, engaged and sworn to a Sect in the lump, he can scarce arrive to the name and dignity of one of our Writer's *half-thinkers*.

Varro, who had made more researches into the antiquities of *Italy*, than any man before him, publish'd two large and voluminous books, long ago lost, which he call'd *Antiquitates Rerum Humanarum & Divinarum*. In the latter of these, about *Divine Affairs*, the short remains of which are chiefly preserv'd in *St. Austin de Civitate Dei*, he distributed Theology into *poetical* or *fabulous*, *philosophical* or *physical*, and

* Cic. Acad. I, 2. Augst. de Civ. Dei, VI, 2. VII, 17. XIX, 1, 3, 4.

† Page 127.

*civil. Mythicon, *says he, appellant, quo maxime utuntur poetae; Physicon, quo philosophi; Civile, quo populi. Primum, quod dixi, in eo sunt multa contra dignitatem & naturam Immortalium ficta. In hoc enim est, ut Deus alius ex capite, alius ex femore sit, alius ex guttis sanguinis natus: in hoc, ut Dii furati sint, ut adulteraverint, ut serviverint homini. Denique in hoc omnia Diis attribuuntur; quae non modo in hominem, sed etiam quae in contemptissimum hominem cadere possunt. In the FIRST, says he, are contained many fables, contrary to the dignity and nature of immortal Beings; that one God should be born out of a head (Minerva), another out of a thigh (Bacchus), another from drops of blood (Venus, Furies); that Gods were thieves (Mercury), were adulterers (Juppiter), were slaves to a Man (Apollo); any thing in short, that may be said not only of a man, but of the most despicable of men. This passage our learned Writer cites, and ushers it in thus: Varro, the most learned of all the Romans, speak-*

* Auguft. de Civ. Dei. VI, 5.

ing of THEIR Theology, says: How of Their's, that is, the *civil*; when he expressly says it of the *mythic* or *poetical*? Was this downright dulness in our Writer, or has it a mixture of trick and knavery? It is very plain, both in that chapter of St. *Austin*, and in many other places of that excellent work, that *Varro* with great freedom censur'd the *poetical* Theology; as all sects whatever did, particularly the * *Stoics*: but the *civil* or the *Roman* he was so far from condemning, that he encourag'd and multiplied it. He counted that performance, † *a great benefit to his countrymen, both in shewing them the Gods they were to worship, and what power and office every God had*; and ‡ *in many places religiously exhorted them to the worship of those Gods*: many uncouth names of which he raised out of oblivion; assign'd to the most fordid offices of low and servile life. And I verily believe, neither *Cicero*, nor any one Gentleman of that time, knew half of those Gods; till *Varro* brought them

* See Remark XLV. page 33. † August. IV, 22. ‡ *Ibid.* 31. *Varro ad Deos colendos multis locis velut religiosus hortatur.*

to light out of the obscure superstitions of mean artificers and rustics. Where then was our Writer's judgment, to list *Varro* among his *Free-thinkers*? but his learning too is as much display'd in his accurate version. That period above, *Ut Deus alius ex capite, &c.* he renders thus: *As Gods begotten and proceeding from other Gods heads, legs, thighs, and blood.* Why, in the name of *Priscian*, is *alius ex capite*, out of other Gods heads? It is manifest the illiterate Scribler for *alius* read it *alius* in the genitive. And why forsooth must he add *legs*, and pin his own ignorance on his Author? Does any fable in the poetic system make a God born out of a leg? And why must plain *natus* in the *latin* be transmuted into *begotten and proceeding*? for the pleasure of a silly fling at the *Nicene* and *Athanasian* creeds? Surely such a series of profaneness, ignorance, and nonsense could never *procede* from any head but such a one as his is.

But he has another passage from *Varro* (recorded too by *St. Austin*) where * *de*

* August. IV, 31.

religionibus loquens, speaking of religious institutions, he says, multa esse vera, quae non modo vulgo scire non sit utile; sed etiam tametsi falsa sint, aliter existimare populum expediat: Et ideo Graecos Teletas Et mysteria taciturnitate parietibusque clausisse: That many things are TRUE, which are not only not fit for the vulgar to know; but, even if they should be false, it is fit the vulgar should think otherwise: and that therefore the Greeks kept their initiations and mysteries in secrecy and within private walls. This passage our Writer proposes, as a discovery of Varro's Free-thinking. Now I should have thought it the very reverse. For first he says, The things are TRUE: that is contrary, no doubt, to our Writer's Free-thinking: and then, That though they should be FALSE (not that he says, they are false) the people ought not to know it: that's flat and plain Priestcraft, our Writer's hate and aversion. How comes it then, that so sagacious a person is enamour'd of this passage? Why truly, as he has manag'd it, it will serve and bend to his purpose. For the period

TRUE

TRUE, he has translated, *many things FALSE in religion*. What? *vera, false? non*, an affirmative? 'Tis time for your Governors *de les petites maisons* to take care of such a Scribler. But, besides his tricks in the version, he shews his slight of hand upon the original. For, instead of *sed etiam tametsi falsa sint*, he exhibits it, *et quaedam tametsi falsa sint*; and so makes Varro say positively, *That some things are false*. Now, what * *foundation for this in any manuscript or printed copy whatsoever?* Is this his honesty in citations? Is this he, that upbraids others with *corrupting and misapplying* of passages?

Yes; but St. *Austin*, after he had recited this passage, subjoins his own remark; *Hic certe totum consilium prodidit velut sapientium, per quos civitates & populi regerentur*: Here Varro, says he, *has discover'd* (unawares, or by an obscure hint) *the whole design, as of wise statesmen, by whom societies were to be govern'd*. This place our † *Au-
thor* has borrow'd; but he might have produced more from the same Father;

* Page 93.

† Page 135.

where he presses hard upon *Varro*, for glozing and soothing the *civil* religion contrary to his own sentiments and conscience: since he owns, that *if he had* * *founded a new community, he would have settled the public worship, more ex Naturae formula, according to the model of nature; but now he was to explain it, as he found it establish'd.* But of what use is this to our Author? If there's any relish of *Free-thinking* in it, it belongs to *St. Austin*, and not to *Varro*. The Christian Father speaks home, and condemns the *civil* Theology equal with the *poetical*: but the learned Pagan, being himself a Minister of State, and fearful of giving offence (at that time especially, when the *greek* philosophy had not yet been made popular in the *latin* tongue) used great reserve and dissimulation: and though in many parts he corrected the public superstition, in the main he fix'd and promoted it. Not that he was himself superstitious; for in that very work he hints his own sentiments, though occultly and by the bye: he declares,

* August. IV, 3. V, 4.

* that

* that for above 170 years, the old Romans worshipped the Gods without any images: *which manner*, says he, *if it had still continued, the Gods would be adored with more purity and holiness*: and for this he cites the Jewish nation, as a witness and example; and concludes with a declaration, That they who first instituted statues of the Gods, *Et metum populis demisse Et errorem addidisse*, both took away the fear of the Gods from the people, and gave them erroneous notions of them: where note again by the way, that *metus* is religion, and not *superstition*. And in other of his writings he on all occasions detected the artifices of knavish impostors: as in that at † *Falisci* near Rome, where a few families call'd *Hirpi*, pretended to have the gift of walking barefoot upon burning cinders without being singed, at an annual sacrifice to *Apollo*; which *Virgil* magnificently expresses, Aen. XI, 786.

* August. IV, 31. Quod si adhuc mansisset, castius Dii observarentur.

† Plin Hist. VII, 2.

*Cui pineus ardor acervo
Pascitur, & medium freti pietate per ignem
Cultores multa premimus vestigia pruna.*

On which place *Servius* the ancient scholiast remarks, *That Virgil indeed says it was a miracle; but Varro, who is every where an overthrower of religion, says their feet were medicated and secured by an ointment.* How would our Writer have flourish'd, if in his desultory gleanings he had met with this passage, *Varro ubique expugnator religionis?* He would have slighted *St. Austin*, and adhered solely to the *Grammarians*, for proving *Varro* a *Free-thinker*. And yet upon the very same foot he must take *St. Austin* too into his list, and every particular *Christian*, that liv'd in the times of Paganism. For as *Servius* here by *religio* means the *vulgar, popular, civil religion*; the *Christians* were in a compleat sense, both in notion and fact, *expugnatores, the overthrowers* of such religion. And how little then is all this to our silly Writer's purpose? The more *Varros* and great men he quotes for disbeliev-
ing

ing pagan idolatry ; the more justice he does to Gospel truth, and the more reason to the *Christian* establishment.

LII.

The next that enters the scene, though he speaks but one sentence, is * *the grave and wise CATO the Censor, who will for ever live in that noble Free-thinking saying, recorded by Cicero; which shews that he understood the whole mystery of the Roman religion as by law establish'd: I wonder, said he, how one of our priests can forbear laughing, when he sees another.* Very short, you see, but very pithy : and our Writer thought he made a most capital jest and spiteful insinuation, when he said *The Roman religion as by law establish'd.* 'Tis easy to know what he alludes to: but by that time I have done this remark and the rest, his own ignorance and stupidity will be so drag'd into the light, that I myself shall hereafter wonder, *If any of your priests can for-*

* Page 135.

bear laughing, when he sees a Free-thinker.

CATO the elder, *homo antiqua virtute & fide*, a true old Roman, as his countrymen were before the grecian literature got settlement among them, liv'd and dy'd a *priest* himself, *e collegio Augurum*; was as knowing and tenacious of the legal superstitions, as any of his time; so as * *he complain'd that many Auspices, many Auguries were quite lost and forgotten by the negligence of the society of Augurs*. He was an enemy to all foreign rites, and jealous of the least innovation in the antient religion and laws. He procur'd in the senate, that *Carneades* the Academic, and *Dionigenes* the Stoic, Embassadors from *Athens*, should immediately be dismiss'd, that they might not corrupt the youth. He had an aversion to all philosophy; in one of his books he said, *Socrates* (the first in our Author's list) was a † *prating and turbulent fellow*, for introducing opinions contrary to his coun-

* *Multa Auspicia, multa Auguria, quod Cato ille sapiens queritur, negligentia Collegii amissa plane & deserta sunt. Cic. Divin. I, 15.* † *Δάλον & βίαλον. Plut. in Catone. p. 640.*

try's

try's laws and customs. Now one would hardly have guess'd, that a man of this character should ever make a good *Free-thinker*. I am rather of opinion that, if *Cato* in his *Censorship* had found one of that species, he would have taken quicker and better care of him, than your patient government is like to do of yours.

But so it is: our Writer has met with a *Bon Mot* of this *Cato's*; which, according to his shallow understanding and silly interpretation, he presages *will ever live as a noble free-thinking saying*. I'll give it in *Tully's* words, from whom he here cites it; * *Vetus autem illud Catonis admodum scitum est, qui mirari se aiebat, quod non rideret haruspex, haruspicem cum vidisset*: and he might have added another place, which, since *Cato* is not mention'd there, shews it became proverbial; † *Mirabile videtur, quod non rideat haruspex, cum haruspicem viderit*. This our Author has thus render'd; *I wonder, said Cato, how one of OUR PRIESTS can forbear laughing, when he sees another*. What!

* *Divin.* II, 24.

† *Nat. Deor.* I, 26.

haruspex a priest in general? And one of OUR, that is, the *Roman* priests? then *Cato*, who was one and liv'd to be the senior of them, would have libel'd himself: he had ridiculed the laws established, which he always zealously maintained: he had become, what he call'd *Socrates*, a *prating turbulent fellow*, in doing at *Rome*, what he did at *Athens*. Surely there must be some mistake: and we shall find it lies no where else, but in our Writer's empty noddle.

The whole matter is but this: the college of *Augurs*, of which *Cato* then was one, was of *Roman* institution, founded by *Numa*: their divination was made from observations of birds and several other things within the sphere of their discipline: and as they were persons of the first quality, and all things were to be done *auspicato*, by their direction; they had vast influence and authority in all great affairs both of peace and war. But besides this native institution, a foreign and exotic sect of Diviners had gradually grown in fashion, the *haruspices* of *Tuscany*; whose skill and province reach'd to three things, *exta*, *fulgura*, & *ostenta*, entrails
of

of cattle, thunders, and monstrous births. That these were proper to *Hetruria*, from one *Tages* their founder; and not establish'd at *Rome*, but sent for and fetch'd thither upon occasions, may easily be prov'd. They are scarce ever mention'd without that hint: *Haruspex Etruscus*, says *Livy*, V, 15. *Haruspices ex Etruria acciti*, XXVII, 37. *Haruspicum scientiam ex Etruria*, says *Cicero Divin.* I, 2. *Haruspices ne ex Etruria arcessentur*, II, 4. *Nostorum augurum & Etruscorum & haruspicum* (dele &) *Nat. Deor.* II, 4. and so *Lucan* I, 584.

Haec propter, placuit Tuscos de more vetusto Acciri vates. and *Martial* III, 24;

Quem Tuscus mactare deo cum vellet haruspex.

This being observ'd and prov'd, the whole reason and drift of *Cato's* saying will immediately appear.

For it often happen'd, that this pack of *Hetruscan* soothsayers gave their answers quite cross to what the *Roman* augurs had given: so that the two disciplines clash'd; the one forbidding as unlucky and unsuccessful, what the other had allow'd as auspicious and prosperous. An example of which is recorded by *Cicero Nat. Deor.* II, 4. While *Tiberius*

R

Gracchus

Gracchus was creating new consuls ; one of the nominators suddenly fell down dead : however *Gracchus* proceeded and finish'd the creation. But soon after the people had scruples about it, and the *haruspices* being consulted said, the creation was vitious : *How*, says *Gracchus*, in a great rage ; *I not create them right, who am both consul, and augur, and acted auspiciously ? Do you, * Tuscans and Barbarians, pretend to correct and controul the auspices of the Romans ? And so he bid them be gone.* This was done A. U. C. 591. when *Terence's Heautontimorumenos* was acted, and while *Cato* was alive.

'Tis true, *Gracchus* in this instance, having recollected himself, found he had omitted one circumstance directed by the books of *auguries* ; and so submitted to the *Tuscans*, and added much to their reputation. But however it's plain from hence, that there was no great kindness between the *Roman* augurs and them. For their disciplines proceeded upon quite different principles ; if the one was suppos'd true, the other

* An vos Tusci ac barbari, &c.

must generally be false. *Cato* therefore, without the least grain of *free-thinking*, nay out of the true spirit of superstition, stood tightly for *Numa's* auguries; believ'd every tittle of them; and consequently took the *Tuscan* tribe for a set of cheats and impostors. Add to this, his hatred to all rites that were foreign and exotic; add his own interest as an *augur*, against those rivals in credit and authority: and then wonder, if you can, why *Cato* should wonder, how one *haruspex* could forbear laughing when he saw another.

And now take a view of our Writer's learning and sagacity: *haruspex* render'd a *priest*; which would include in the affront both *Cato* himself and all his colleagues: and our *priests* forthwith; when the satire is solely pointed at *Tuscans* and foreigners? And what's now become of his *ever living* saying? Where are now the footsteps of that noble *free-thinking* in it? of understanding the whole mystery of the Roman religion as by law establish'd? *Cato* took the *Tuscans* for cheats, conscious of their own juggles: therefore he knew the whole mystery, and took himself too

for a cheat. What, *Cato the grave and the wise*? A consequence only fit for our Scribbler. It was no *free-thinking* in *Cato*, but pure *polemic divinity*. He adhered superstitiously to *Numa's* and his country's rites: and took the *Tuscan* discipline for nonsense, without being one jot wiser himself. And if this makes him a *free-thinker*; at this rate the *growing sect* will multiply prodigiously: all the *Pagans*, that ate fish or pigeons, are to be admitted *free-thinkers*; because they contradicted the *Syrians*, who superstitiously abstain'd from both: the *Tentyrites* of *Egypt* were certainly *free-thinkers*; because they destroy'd and fed on *crocodiles*, which the *Ombites* their neighbours worship'd as gods: nay the very *Tuscan haruspices* were passable *free-thinkers*; for no doubt they reparteed upon *Cato*; and thought as meanly of the *Roman* divinations, as he did of theirs.

To shew our learned Writer, what a *free-thinker Cato* was; I'll give him some choice instances out of his book *DE RE RUSTICA*; which is certainly *Cato's* own, and so quoted by all the
antients;

antients : ^a his annual offering to *Mars Silvanus* for the health of his black-cattle : ^b another to *Juppiter Dapális* ; ^c another to *Ceres, Janus, Jove* and *Juno* : ^d an attonement for the lopping of a wood : ^e a sacrifice for the lustration of his grounds, to preserve the grass, corn, fruits, cattel, and shepherds from disasters ; and all these with their several ceremonies, as aukward and absurd as those of the *Pawawers*. But the prime of all is his charm for a *luxation* or *fracture* ; which I'll recommend to our Writer with a *probatum est*, when he has any thing *broken* or *out of joint*. ^f Take, says he, a green reed, and slit it along the middle : throw the knife upwards ; and join the two parts of the reed again, and tie it so to the place broken or disjointed ; and say this charm, *Daries, dardaries, astataries, dissunapiter* : or this, *Huat banat huat, ista pista fista, domiabo damnaustra* : this will make the part sound again. Is not this an excellent specimen of *Cato's free-thinking* ?

^a Cato de re Rust. c. 83.

^b 132.

^c 134.

^d 139.

^e 141.

^f 160.

Does not this gibberish demonstrate his penetration into *mysteries*? Is it not worthy of that refin'd age, when *consuls* and *dictators* were chosen from the plough? nor can our Author say, that this is a spurious receipt: for * *Pliny* mentions this very charm under *Cato's* name and authority; though he excuses himself from repeating it, because of it's silliness. But as poorly as our Writer comes off with *Cato* the elder; I fancy he'll anon have still worse success with *Cato* the younger.

LIII.

But before he comes to him, he introduces *CICERO*, as a distinguish'd and eminent *free-thinker*; in which section he seems to have taken peculiar pains; and to strut with an air of arrogance, quite above his ordinary mien. He summons all your divines to receive his laws for reading and quoting; and to govern themselves by his instructions, both in the pulpit and the press. But

† *Nat. Hist.* xvii, *in fine*. Carmen contra luxata membra, jungenda arundinum fissuræ, cujus verba inferere non equidem serio ausim, quamquam a Catone prodita.

how does this scenical commander, this hero in buskins perform? so wretchedly and forrily; so exactly to the same tune and his wonted pitch; that he has not struck one right stroke, either in *Cicero's* general character, or in any passage of his, that he quotes incidentally.

The first word he opens with is this, * *That though Cicero was chief priest and consul, &c.* And what does he mean by *chief priest*? no doubt he means *pontifex maximus*: for no other word in all the sacerdotal colleges of the *Romans* can admit of that version. Now a list and succession of the *pontifices maximi* (*Metellus Dalmaticus, Mucius Scaevola, Metellus Pius, Julius Caesar, Aemilius Lepidus*) which includes all *Cicero's* time, was ready drawn to our Writer's hand both in *Parvinius's Fasti*, and in *Bosius de pontificatu maximo*. He was so far from being *chief pontif*, that he was never of that order; not one of the whole XV: as appears from his oration *Pro domo ad pontifices*, spoken in his Lth year. He was a *priest* indeed, as I have said before;

* Pag. 135.

being made *augur* in his LIVth year, and succeeding *Crassus* the younger; who, with his father, was slain in *Persia*. What scandalous and puerile ignorance is this, in a teacher forsooth of the clergy, who are teachers appointed? *Cicero* the *chief priest*, or rather our Writer the *chief blunderer*. He never meddles with the word *priest*, but nonsense is his expiation for it: it sticks to him like *Hercules's* shirt; and will last him, like that, to his funeral.

Another observation he thus dresses, * *That Cicero gives us his own picture, and that of the greatest part of the philosophers, when he produces this as an instance of a probable opinion, That they who study philosophy, don't believe there are any gods: that is, That there existed no such gods as were believ'd by the people.* Now grant our Author this, and yet he obtains no more by it, than that *Cicero*, with most of the philosophers, disbeliev'd the *poetical* and *civil* theology of the *Pagans*. And if this *picture* so much pleases him, or has such strong lines and features of

free-thinking in it ; the very herd of christians have a better title to it, than any of the philosophers. We are all *free-thinkers* on that topic ; unless our Writer dissents from us, and would recur to the old worship of *Bacchus* and *Venus*.

But the misery of it is, this passage of *Cicero* is quite misrepresented ; nay it proves the very reverse to what he infers from it. * *Every argumentation*, says *Tully*, *ought either to be probable, or demonstrative. A thing probable is either what is generally true, or what is so in opinion and common conceit. Of the first sort this is one, If she's a mother, she loves her son : of the second which consists in opinion, hujusmodi sunt probabilia, these are examples : Impiis apud inferos poenas esse paratas : Eos, qui philosophiae dent operam, non arbitrari deos esse : that torments in hell are prepared for the impious : that philosophers don't think there are gods.* Where it's evident to a sagacious reader, that *Tully* gives two instances of probables, which really he thought false.

* De Inventionem I, 29.

For *probabile* in *latin* takes in the several ideas of your *english* *probable*, *plausible*, *likely*, *specious*, *seeming*; whether it really be *true* or *false*, *sive id falsum est sive verum*, as *Tully* here says express. The first of these about *torments of hell* was then a current, passable, probable assertion: but *Tully* himself * disbeliev'd it, and gives it here as a notion vulgar but false. And the second likewise, *that philosophers are atheists*, was a staple mob opinion: especially at that time, when *Lucretius*, *Amasinius*, and other *Epicureans* were the sole retailers in *latin*; that sect having in that language got the start of the rest. But the Orator here exhibits it, not as a true, but a false probable; and contrary to his own † sentiment and example. And what's become now of the *picture*? 'Tis like the old story of the horse painted tumbling; which posture being not lik'd by the purchaser, upon inverting the piece the horse was a running. Our Writer here imagin'd, that *Cicero* was *figur'd* an infidel: and to his great disappointment he's painted

* *Tuscul* I, 5, 6. & alibi.
legibus, &c.

† *Tuscul.* De

a believer.

a believer. But see by the way the great sincerity of our Writer: In his marginal citation he has dropt the first instance about *hell-torments*; and given the latter only about *believing no gods*; and to disguise it the more; for *hujusmodi sunt probabilia*, he puts it *est probabile*: where any person, who looks no further, must certainly be impos'd on. But if our Writer had given both, the vigilant reader, without stirring from the margin, had detected the nonsense. For the two instances of probable being both of a kind, either both true or both false; if the first is suppos'd *false*, the latter must be so too, and so our Writer is frustrated. But if the latter is suppos'd *true* (as our Writer propounds it) then the first must be allow'd so too about the *torments of hell*: which our Writer abhorring as the most gasty *picture* in nature, remov'd it out of his book: and so the reader seeing but one, could not discover the painter's true meaning. O dulness, if this was done by chance! O knavery, if it was done by design!

His next remark upon *Cicero* is still more *mumping* and *beggarly*; that were it not for his pride and insolence, I should

should really commiserate him. He'll prove out of the *Tusculan questions*, that *Cicero* was against the *immortality of the soul*: which is exactly, as if he should prove from these remarks of mine, that I am a member of his club. But of that anon: in the mean time, as a cast of his occasional learning, he makes the *dialogist* to be *T. Pomponius ATTICUS*, a great friend of *Cicero's*, who writ a whole volume of letters to him. The interlocutor in the *Tusculans* is mark'd by the letter A, as *Cicero* is by M: and though some old copiers and authors too believ'd A signified *Atticus*; yet, what was pardonable in them, is at this time of day, and in a book of defiance too, a most shameful blunder in our Writer. The person A was *Adolescens*, a youth, as appears from II, II: *At tu, adolescens, cum dixisses, &c.* how therefore can this be *Atticus*, who was then an old man, as your * learned *Davisius* remarks on the place? *Cicero*, when he writ the *Tusculans*, was in his

* Atticus tunc temporis senex erat. *Davif. ad Tuscul. I, 5.*

great climacteric ; and *Atticus* was two years older than he. For *Nepos* says, in his life, *That the Caesarian civil war broke out, when Atticus was about LX, cum haberet annos circiter sexaginta :* but *Cicero* was then LVIII. Again he says, *Atticus* died LXXVII years old compleat, *Domitio & Sosio coss :* and by that reckoning too he was born two years before *Cicero*. So that our Writer has made a hopeful youth of him, when he was going of LXV : and makes *Cicero* call a man *youth*, who was older than himself. Besides this, who, but our mirrour of learning, could be ignorant, that *Atticus* liv'd and died an *Epicurean* ? but this *dialogist* is intirely against that sect, * as appears through the whole. And lastly, what I have noted above in my XLIXth remark, if *Atticus* here was the discourser with *Cicero*, he would adhere to his old principles, and be brought over in nothing : but this *youth*, this inquirer, is a convert throughout ; and convinc'd by good arguments recedes from every thing that he advances at first. So that there's a vast

* See *Tuscul*, I, 23, 32, 34.

difference in the manner of dispute that's exhibited in the *Tusculans*, from what appears *In Academicis*, *De Finibus*, *De Natura Deorum*, and *De Divinatione*. In the latter no man concedes; in the *Tusculans* no man resists. These last were *scholae*, as Cicero from the Greeks calls them, discourses without an antagonist; rather audiences, than conferences. Which manner, * he says, was us'd among all the philosophers, even in the academy it self: *Qui quaesivit aliquid, tacet*: he that has propos'd a question, holds his tongue. For as soon as he has said, IT SEEMS to me that pleasure is the chief good; the philosopher disputes against it in a continued discourse: so as it may easily be understood, how they that say a thing SEEMS to them, are not really of that opinion, but want to hear it refuted. This very manner, which Cicero here describes in his LXII year, he executed the year after in his *Tusculans*: where when A the auditor says, IT SEEMS to me, that death is an evil; that pain is the greatest of all evils;

* De Finibus II. I.

that

that grief or uneasiness may happen to the wiseman; that the wiseman is not free from all perturbation of mind; that virtue alone is not sufficient to a happy life (which make the subject of the V books) it's plain by *Cicero's* own comment, that A is of contrary sentiments, and desires to have all those positions confuted: which *Cicero* performs to his satisfaction and applause. This being observ'd and premis'd; let us now see, what our sagacious Writer can fetch from the *Tusculans*.

*Why, Tully, * says he, after having mention'd the various notions of philosophers about the nature of the soul, concludes from them, that there can be nothing after death.* Now if a foreigner, may judge of your language, THE VARIOUS notions can mean no less than *singulas opiniones, the several*, and even *all* the notions of the philosophers: which being suppos'd, our Writer will stand convicted either of such dulness, or of such impudence, as nothing can match but his own book. After *Cicero* had enumerated the several opinions

* Page 136.

about the soul, That it was the *brain*, or the *heart*, or the *blood*, or *fire*, or *breath*, or *harmony*, or *nothing at all*, or an *essential number*, or a *rational substance*, or a *fifth essence*; which soever of these, says he, is true; it will follow that death is either a good, or at least not an evil. For if it be *brain*, *blood*, or *heart*, it will perish with the whole body; if *fire*, it will be extinguish'd; if *breath*, it will be dissipated; if *harmony*, it will be broke; not to speak of those that affirm it is *nothing*. * *His sententiis omnibus, nihil post mortem pertinere ad quemquam potest*, according to all these notions (the seven last repeated) there can be no concern nor sensation after death: death therefore is no evil. *Reliquorum autem sententiae, &c.* But the other opinions (the three remaining) give hope, that the soul, after it has left the body, mounts up to heaven as it's proper habitation: death therefore may be a good. Now can any thing be plainer, than the tour of this paragraph? ten opinions there are in all; the first

* Tuscul. I, 11.

seven make death no misery; the last three make it a happiness. What then was our Writer's soul? was it *brains*, or *guts*, or rather *nothing at all*; when he thus maim'd and murder'd the sense of his author? *From* THE VARIOUS notions he concludes! as if the seven were all he had mention'd? as if the three last were not those he espous'd? as if the authors of the seven were not in his esteem, *plebeii & minuti philosophi*, plebeian and puny philosophers, not worthy of that name? but our Writer has so long desponded of mounting up to heaven, that he cannot bear it even in the stile of a pagan: it raises an envious despair, and spreads it over his soul. A most just and proper punishment for such reprobates to immortality!

Virtutem videant, intabescantque relictæ.

But our Writer goes stumbling on, and adds, * *That as to Plato's arguments for the immortality of the soul, Cicero says to his dialogist, Let us not produce them, and let us lay aside all our hopes*

* Pag. 137.

of immortality. By which the other understood him to deny the immortality of the soul; as is evident from his answer which follows: *What? do you disappoint me, after you had raised in me such an expectation? Truly I had rather be mistaken with Plato, whom I know how much you esteem, and whom I admire on your authority, than be in the right with others.*

Even my pen would refuse to be employ'd in such trash, were it not to chastise our Writer's confidence; who, unqualified to understand one single page of *Cicero*, presumes to set up for his commender and patron,

Ἀνδρὸς, ὃν ἔδ' αἰνεῖν τοῖσι κακοῖσι θέμις,

may (which all the muses avert) for his revisor and editor. Your gentry, it seems, were hence forward to taste *Cicero* through the fetid and poisonous notes of the *atheistical* sect. * *If Cicero's works, says he, come once to be generally read, as of all human writings they best deserve! goodly and gracious!*

* *Pag. 140.*

What an honour is this to *Cicero's* ashes? This is what the old Tragic lik'd, *laudari a laudato viro*. But pray, when was it, that he was *not* generally read? or rather, when did the stupid sect begin to read him? By the patterns they have given us, they have just as much title to recommend *Cicero*, upon their own taste and skill, as before they had to recommend the * *Samaritan chronicle*.

In the passage now before us; after the Orator had prov'd the immortality of the soul from authority and tradition, † *the agreement of all antiquity, the consent of all nations, the doctrine of the Pythagorean school*: Those Antients, says he, seldom gave reasons for their opinions; their scholars acquiescing in the bare precept and maxim: but *Plato* did not only transmit the doctrine, but produc'd reasons and arguments to establish it: *Sed rationes etiam attulisse; quas, nisi quid dicis, praetermittamus, & hanc totam spem immortalitatis relinquamus; || which arguments, unless you say*

* Remark XXVII. † Omnem antiquitatem. Consensus nationum omnium. || Tusc. I, 17.

otherwise, let us pass over, and lay aside this whole hope of immortality. The meaning of which is most plain; if we reflect, that the question here to be debated was only this, *It seems to me that death is an evil*: which Cicero had already refuted, even upon the scheme of the soul's extinction: without need of engaging deeper in the proofs of immortality. So that here in the *Socratic* way of dialogue, with *εἰρωνεία*, *disimulation and urbanity*, he seems willing to drop the cause, or purpose to raise the interlocutor's appetite. Who well knowing this was but a feint, and that Cicero wanted a little courting to procede, *What*, says he, *do you now leave me, after you have drawn me into the highest expectation?* pray, procede with Plato's arguments: *quocum errare mehercule malo, quam cum istis vera sentire, with whom* (in this affair) *I had rather chuse to be mistaken, than be in the right with THOSE mean souls, that are content with extinction.* Upon which, says the Orator to him, *Maître virtute, God bless you with that brave spirit: I myself too should willingly mistake with him*: and so he enters upon and exhausts the

the whole *Platonic* reasoning for the soul's immortality. Now what oddness, what perverseness of mind in our scribler, to infer from this paragraph, *That the interlocutor thought Cicero denied the immortality of the soul?* Is it not just the reverse? But what need I wonder: when none but such a crook'd and cross-grain'd block could ever be shap'd into an atheist?

And now we are come to his general character of *Cicero*, and the new key to his works, which our bungler has made for the use of your clergy. *He profess'd*, he says, *the academic or sceptic philosophy; and the only true method of discovering his sentiments is to see, what he says himself, or under the person of an academic.* To quote any thing else from him as his own, is an imposition on the world, begun by some men of learning, and continued by others of little or none. This is the sum of our author's observations; in which there is part vulgar and impertinent, and part false and his own.

The academic or sceptic philosophy! He might as well say, the popish or Lutheran religion: the difference between those being as wide as between these.

A common imposition on the world! where, or by whom? Has not *Cicero* in his disputations represented the systems of the several sects, with more clearness and beauty than they themselves could do? Such passages have been and will be quoted out of *Cicero* indeed, for the elegance of them; not as his own doctrines, but as those of the respective sects, that there speak them. And what harm is this? The reasoning is the same, from what quarter soever it comes; and the authority not the less, though transfer'd from *Cicero* to a *Stoic*. But the men of learning have blunder'd, and not nicely distinguish'd *Cicero* from the *Stoic*. When he pleases to name those, I'll produce him a man of none, * who has stupidly confounded *Cicero* with the *Epicurean*. And then his sagacious hint, *That Cicero's true sentiments are to be seen in the person of the academic!* This he thought he was safe in; and yet it is as true, as it will appear strange, that his sentiments are least or not at all to be seen there: of which as briefly as I can.

The *Platonic* academy dogmatiz'd or deliver'd their doctrines for fix'd and

* *Remark XLVIII.*

certain,

certain, as the *Peripatetics* and *Stoics* did. But in the tract of succession, one *Carneades*, a man of great wit and eloquence, on purpose to shew both, made an innovation in the academy. By the notion of *fix'd and certain* (*fixa, certa, rata, decreta*) he was pinn'd down to one system; and his great parts wanted more room to expatiate and flourish in: he contriv'd therefore a way to get it: he denied the *certainty of things*, and admitted of no higher a knowledge, than *probability and verisimilitude*. Not that he did not as much believe, and govern himself in common life upon what he call'd *highly probables*, as the others did upon their *certain*s: but by this pretty fetch he obtain'd his end, and became disputant universal, *pro omnibus sectis & contra omnes dicebat*. Did the *Stoics* assert a thing for certain? He would demolish that certainty from *Epicurean* topics. Again, did these last pretend to any certainty? he would unlay what he spoke for them before; and attack them with *Stoical* arguments, which just now he had endeavour'd to baffle. This method gave name to the *new academy*; but it had few professors

while it lasted, and lasted but a little time: requiring such wit and eloquence, such laborious study in all sects whatever, and carrying in it's very face such an air of pride and ostentation, that very few either could or cared to espouse it.

However, this very sect, then deserted and almost forgot, did best agree with the vast genius and ambitious spirit of young *Cicero*. He was possessed of oratory in it's perfection: and he had added philosophy under the best masters of all sects, *Diodotus*, *Antiochus*, *Philo*, *Posidonius*, and others: he would not confine himself to one system, but range through them all; so the *new academy* was chosen, as the largest field to shew his learning and eloquence. Which turn when he had once taken, he was always to maintain: he was to rise no higher than *probability*, the characteristic of the sect. For this was their badge of servitude, though they boasted of more freedom than the others. Did a *Stoic* assert the *certainty* of divine providence? You are tied down, says an *Academic*: it's only a *probable*. You are tied as much, replies the *Stoic*; for though you believe

believe it as firmly as I, you dare not say it's *certain*, for fear of clashing with your sect.

If we take *Cicero* under this view, we shall then truly be qualified to interpret all his writings. And first we shall find, what I said before, and which at once breaks to pieces our Writer's new key, that the *academic* objections, which in his philosophical conferences are ever brought against the other sects, is the most unlikely place where to find his real sentiments; for that being the privilege of the sect, to speak *pro* or *con* as they pleas'd, * *contra omnia dici oportere* & *pro omnibus*, † *contra omnes philosophos*, & *pro omnibus dicere*; they very frequently oppos'd, || *non ex animo sed simulate, not heartily but feignedly*; not what they really believ'd, but what serv'd the present turn. In *de natura Deorum*, when *Balbus* the *Stoic* had spoken admirably for the existence of the gods and providence, *Cotta* the *Academic* (though he was a priest, one of the *pontifices*) undertakes the opposite

* Acad. II, 18. † Nat. Deor. I, 5. || Nat. Deor. II, *fine*.

sided, * *non tam refellere ejus orationem, quam ea quae minus intellexit requirere*; not so much to refute his discourse, as to discuss some points he did not fully understand: and after he had finish'd his attack with great copiousness and subtilty, yet in the close he owns to Balbus, * *That what he had said, was for dispute's sake, not his own judgment; that he both desir'd that Balbus would confute him; and knew certainly that he could do it.* And Cicero himself, who was then an auditor at the dispute, though of the same sect with Cotta, declares his own opinion, *That the Stoic's discourse for providence seem'd to him more PROBABLE than Cotta's against it*; which he repeats again in *De Divinatione*, I, 5. And what now becomes of our Writer's true method and rule? Whatsoever is spoken under the person of an *Academic*, is that to be taken for Cicero's sentiment? Why, Cicero declares here, that he sided with the *Stoic* against the *Academic*: and whom are we to believe, himself or our silly Writer.

* Nat Deor. III. 1. † Nat. Deor. III, *fine*.

When *Cicero* says above, that the Stoical doctrine of providence seem'd to him more PROBABLE; if we take it aright, it carries the same importance as when a *Stoic* says it's CERTAIN and DEMONSTRABLE. For, as I remark'd before, the law, the badge, the characteristic of his *sect* allow'd him to affirm no stronger than that: he durst not have spoken more peremptorily about a proposition of *Euclid*, or what he saw with his own eyes. His *probable* had the same influence on his belief, the same force on his life and conduct, as the others *certain* had on theirs. Nay within his own breast he thought it as much *certain* as they; but he was to keep to the *Academic* stile; which solely consisted in that point, That nothing was allow'd *certum, comprehensum, perceptum, ratum, firmum, fixum*; but our highest attainment was *probabile & verisimile*. He that reads his works with penetration, judgment, and diligence, will find this to be true, That *probable* in his *sect* is equivalent to *certain*. For what he says of *Socrates*, exactly fits himself; where reporting his last words, *Whether it's better to live or die, the Gods alone know*;

*know; of men I believe no-one knows: As to what Socrates speaks, says he, that none but the Gods know, whether is better; he himself KNOWS it; for he had said it before: * sed suum illud, nihil ut affirmet, tenet ad extremum: but he keeps his manner to the last, to affirm nothing for CERTAIN.*

If we seek therefore for Cicero's true sentiments, it must not be in his disputes against others, where he had licence to say any thing for opposition sake: but in the books where he dogmatizes himself; where allowing for the word *probable*, you have all the spirit and marrow of the *Platonic*, *Peripatetic*, and *Stoic* systems; I mean his books, *de Officiis*, *Tusculanae*, *de Amicitia*, *de Senectute*, *de Legibus*; in which, and in the remains of others now lost, he declares for the being and providence of God, for the immortality of the soul, for every point that approaches to christianity. Those three sects he esteems, as the sole ornaments of philosophy; the others he contemns: and the *Epicureans* he lashes throughout; not only

* Tuscul. I, 42.

for their base and abject principles, but for their neglect of all letters, eloquence, and science. And I must do him this justice, that as his *sect* allow'd him to chuse what he lik'd best, and what he valued as most *probable*, out of all the various systems; he always chuses like a knowing and honest man. If in any point of moral, one author had spoken nobler and loftier than another; he is sure to adopt the worthiest notion for his own, and to cloath it in a finer dress with new beauties of stile.

T A N T U M.

R E.

REMARK

LIV.

OUR Author, very discreetly silent about the living members of his sect, has labour'd strenuously to incorporate into it some great names from the dead, *Socrates, Plato, Aristotle, Plutarch, Varro, Cato the elder, and Cicero*: with what success; my former remarks have sufficiently shewn: where the reader as he is variously affected, now with our Writers ignorance, now with his prevarication, is tofs'd between the alternate passions of pity, and contempt.

We now again overtake him, endeavouring to draw over to his honourable party, *the very picture of virtue, Cato the younger*: not from *Cato's* own declaration, but from a famous passage of the poet *Lucan*, who, he says, * *has rais'd a noble monument, not only to Cato's wisdom and virtue, but to his FREE-THINKING*: and he expects our thanks for

* Pag. 141.

giving us that passage, not in the original only, but in the translation of an *ingenious author*. And here I find myself under some difficulty and uneasiness : our Writer slinks away, and leaves me to engage with a nameless *author*, whose character and station at home, a foreigner, and at such a distance from *Britain*, cannot be suppos'd to know ;

ἐπειὴ μάλα πολλὰ μεταξὺ
 Οὐρεὰ τε σκίοεντα θάλασσά τε ἠχέεσσα.

So that I must throw out censures at random, not knowing on whom they fall. Perhaps he may be a person of worth ; as little allied to this *Free-thinker's* society, as many others of the *english* nation, whom he has the impudence to list in it, *Hooker, Chillingworth, Wilkins, Cudworth, Tillotson*. If so, I must plead in my behalf both the innocence of my intention, and the necessity of the work ; because justice cannot be done to the present subject without some severity upon that *version*. But it's possible, that the *ingenious Translator* may be our Writer himself, who would try his faculty in poetry under

der this mask and disguise: and in that view I desire that all the infamy of that faulty translation may fall on him and no other: since, be he the author or not, he is certainly to answer for it; having so applauded the performance, and so warp'd it to a vile and impious abuse.

But, before we come to *Lucan*, we have a small specimen of our Writer's usual penetration and ability in the *classics*. *Paterculus* in a fine character of our *Cato*, among other expressions says, *He was, per omnia ingenio diis quam hominibus propior, in his whole temper* (tranquility, constancy, justice, &c.) *nearer to the gods than to men.* Who does not know, that *ingenium* is *temper*, disposition, turn of mind? But our Writer has render'd it, that * *in every thing by his KNOWLEDG he approach'd more to the gods than to men.* Absurdly translated! not only against common language, but common sense. For wherein was *Cato* so distinguish'd for *knowledg*? and *universal* too, *per omnia*? as a *Stoic*, he was inferior in

* Page 141.

that

that knowledge to the *greek* professors of the sect, who were his preceptors: and for *general knowledge*, what vast extent could he attain to? whose life was short of fifty years, in a continued course of employments, and hurry of public business: he was so far in that regard from *approaching the gods*, that he was below many mortals his contemporaries, *Cicero*, *Nigidius Figulus*, *Varro*, and others. But let *Cato* be *divine* both in temper and knowledge too: our Writer himself is certainly *in knowledge* no more than *human*; and, *in temper*, it's well if so much.

Surely so awkward, so perverse a turn was never given to poet, as this writer and translator (if they are two) have given to *Lucan*; who, on occasion of *Cato's* march through the deserts of *Afric*, near the temple of *Ammon*, introduces an officer of his army, requesting him in a set speech, to consult that celebrated oracle; and *Cato* refusing it in as set a reply. This refusal our Writer takes as a proof of *Cato's free-thinking*; that he took oracles for impostures, for the knavery of *juggling priests*, and the credulity of *superstitious*
T *crowds.*

crowds. But, to his great shame and disappointment, the scene in the original has quite contrary actors: there were really some *free-thinkers*, *Epicureans*, in *Cato's* retinue, that had a mind to try to puzzle, to baffle the oracle: but *Cato*, by his very sect a friend to all oracles, in an artful as well as magnanimous speech eludes their inquiry; denies to consult, and so screens and protects the reputation of the temple. So that *Cato* here is really the patron of superstition; and the suppos'd *monument of his free-thinking* is a true and lasting monument of our Writer's stupidity. But this cannot fully appear without the reader's patience in going along with me through the whole passage in the original, and through the double length of the tedious *translation*.

[I]

* Comitescque Catonem

Orant, exploret Lybicum memorata per orbem
Numina, de fama tam longi judicet aevi.

† *His host (as crowds are superstitious still)*
Curious of fate, of future good and ill,
And fond to prove prophetic Ammon's skill,
Intreat their leader to the gods would go,
And from this oracle Rome's fortune know.

* *Lucan lib. ix. vers. 546.* † *Pag. 141.*

Two

Two verses you see, and a half in the *latin* are exactly doubled and become five in the *english*; which we might take for just payment and exchange, in the known allowance of *one for sense and one for rhyme*; were it not that no tittle of the original *sense* appears in the version. The Poet himself tells us, *That Cato's companions intreat him to EXPLORE, (try, sift) the deity so famous through the Lybian world, and to JUDGE of a reputation possess'd through so many ages.* Here indeed are plain footsteps of *free-thinking*, a doubting about the oracle's veracity; a *tryal* demanded and a *judgment*; not of an upstart puny oracle, but (in the heathen account) much older than *Solomon's temple*, and ador'd by the third part of mankind. Now, why are these just and proper sentiments dropt in the version? not a word there of *exploring*; nothing of the wide *authority*, the vast *antiquity* of the oracle: but empty trash with false *ideas* foisted in their place. These inquirers do not desire to know *Rome's fortune*, but to criticise the oracle itself, as *Croesus* did that at *Delphi*, and *Lucian* that in *Paphlagonia*. Nay allowing that they

secretly wish'd *to know their fortunes*: yet it was injudicious in the translator to anticipate here, what he knew was to come anon in *Labienu's* speech. But I desire not to be too severe: I'll admit the propriety of that diction, *Curious of future good and ill*: nor shall it be tautology, to operate three poor lines with *prophetic Ammon*, then *the gods*, and then *this oracle*; when in truth it's but one god and but once. But I am astonish'd, that any person could presume to translate *Lucan*, who was capable of mistaking *comites* for *an host*, or a whole army. *Comites* or *cohors amicorum* were persons of quality, commonly youths, recommended by their parents or friends to the familiarity of the general, to diet and lodge with him through the course of his expedition, to learn from his conversation the skill and discipline of war. You can scarce dip in any *Roman* historian, or even poet, but this you are taught there. I'll but quote one place of * *Florus*, because it relates to our *Cato*; who, † *in his apartment*

* L. Florus iv. 2.

† Plutarch in *Catone*:Συνεδείπεν πάντες οἱ ΕΤΑΙΡΟΙ (*Comites*.)

after

*after supper, postquam filium COMITES-
que ab amplexu dimisit, when he had
embrac'd and dismiss'd his son and com-
panions, read Plato's treatise of the
soul's immortality, and then fell asleep.*
These *comites, companions* at Utica in
Cato's last hours, are the very same that
here speak to him about the oracle of
Ammon. If the whole army is meant in
one place, it must be meant too in the
other. But can our Writer imagine, that
Cato entertain'd the *whole* army in one
room? and embrac'd them *all* at part-
ing? How unfortunate then is his very
first line?

His host, as crowds are superstitious still.

bad omen for our translator ! and no *su-
perstition* to think so. This mighty
host and these *crowds* are only a few
young noblemen : and so far from *su-
perstition* (as he here calumniates 'em)
that he may henceforth value them as
hopeful *free-thinkers*. And why that
spiteful character given to *all crowds* ?
meer fillings of his own, without war-
rant from his original. It carries in it an
air of libertinism ; and it's just and im-
mediate punishment was blunder.

[2]

Maximus hortator scrutandi voce deorum
 Eventus Labienus erat : fors obtulit, inquit,
 Et fortuna viae tam magni numinis ora
 Conciliumque dei : tanto duce possumus uti
 Per Syrtes, bellique datos cognoscere casus.
*But Labienus chief the thought approv'd,
 And thus the common suit to Cato mov'd.
 Chance and the fortune of the way, he said,
 Have brought Jove's sacred counsels to our aid.
 This greatest of the gods, this mighty chief,
 In each distress shall be a sure relief:
 Shall point the distant dangers from afar,
 And teach the future fortunes of the war.*

The latin poet has observ'd a decent
 oeconomy in the conduct of this passage :
 the young *sceptics* in the former para-
 graph are dispatched in two lines : their
 request is not put in form ; and *Cato's*
 refusal is not express'd, but understood ;
 as if given without words by a look.
 But now here comes a person of another
 character, *Titus Labienus*, Lieutenant-
 General under *Caesar* through all the
Gallic wars, then a desertor to *Pompey*,
 in *Afric* here with *Cato*, with *Pompey*
 the son in *Spain*, where he perish'd at
 the battle of *Munda*. He (as his speech
 demonstrates) proceeds upon a different
 princi-

principle; not of waggery and scepticism, but full assurance in the oracle. He was *paullo infirmior*, prone to bigotry and superstition, and for that reason (if it is not true in fact) was judiciously chosen by the poet to be the author of this speech. This character, which I have given of him, though in *Lucan's* time well known. is now only to be learn'd from a passage of * *Plutarch*; where Λαβίνος, says he, μαντείαις τισιν ισχυριζομένους, Labienus relying on some PROPHEESIES, and affirming that Pompey must be conqueror; Ay, says Cicero, and while we trust to that stratagem, we have lost our very camp. This short occasional hint discovers Labienus's weak side: he had liv'd to see those prophecies fail, and now wanted new ones from an oracle of the highest fame; if they prov'd favourable to the cause, that he might persevere with more courage; if otherwise, provide for his own safety. And how dexterously this is evaded by *Cato*, we shall see in the sequel.

One would think these five verses were so plain and easy that no transla-

* Plut. in Cicer. p. 1612. where for ἀεζυγέμεθα Πομπήιον read ἀεζυγέμεθα.

tor could miss the sense of them, as ours had done. For what may pass plausibly as an *english* original, grows scandalous when father'd upon *Lucan*; scarce a line here but either clashes with the poet's design, or with the notions of that age. 'Tis false, that *Labienus* mov'd the common suit : the former suit was but mov'd by a few, and his was different and his own. But the whole *host*, says the translator, first *intreated Cato*; and then *Labienus* step'd in as their common spokesman. Where's the *decorum* of this? Where's the rule of military discipline? the very maniples forsooth are to break ranks without orders, and surround their general, to demand a public prophesy : which if cross or but dubiously threatening would make them all desertors. No, no; both the *comites* before, and *Labienus* now, make the motion privately ; and neither question nor answer, if the request had succeeded, was to be heard by the common soldier.

Lucan is content to say of *Juppiter Ammon*, *Tam magnum numen, so great adeit y*; that is, compar'd with other oracles, the chief whereof were those

of

of *Apollo*. But the translator soars above him,

This greatest of the gods, this mighty chief.

which by the way is a most splendid variation. Now a *Roman* would never have said that *Juppiter Ammon* was as great as *Juppiter Capitolinus*; though the translator took it for granted, that all *Juppers* must needs be the same. But a known place in * *Suetonius* may correct his notion of the heathen theology. *Augustus* had built a temple to *Jupiter Tonans* within the area of the capitol; whereupon he had a dream, that *Capitolinus Jupiter* complain'd his worshippers were drawn away: *Augustus* in his dream answered, that he had dedicated *Tonans* there only as the other's porter; and accordingly when he wak'd, he hung (as a porter's badg) that temple round with bells. Now if *Capitolinus* would not bear the very thunderer by him, but in quality of his porter; much less would he have suffer'd † poor beg-

* Suet. Aug. c. 91.
est. *Lucan*.

† *Pauper adhuc deus*

garly *Ammon* (for all he was his name-take) to be stiled the *mighty chief*.

All that *Labiennus* expected here from the oracle, was *concilium dei*, the god's advice how to pass the *Libyan* desert, and to foreknow the destiny of the present war; an event thought near at hand: for *Caesar*, they well knew, was no loiterer in action. But how does the translator manage this? *This greatest of the gods*, says he,

*In each distress shall be a sure relief;
Shall point the distant dangers from afar.*

Are not time, circumstance and popular notion rarely observ'd here? The dangers, apprehended as just at their heels, are become *distant* and *afar* off: and the oracle is not only to predict, but to prevent the decrees of fate, *a sure relief in all distresses*. Contradiction in the very terms: for if fate could be *prevented*, it could not be *predicted*.

There's a small error here, both in the printed copies, and in all the manuscripts that I have seen,

SORS obtulit, inquit,
Et fortuna viae tam magni numinis ora.

The

The Poet wrote it, *FORS obtulit*. So *Horace*; *Nulla etenim tibi me fors obtulit*; and again, *Seu ratio dederit, seu fors objecerit*: to * *Tacitus*, *Et, quae fors obtulerat, navalibus telis conficitur*; and again, *Passim trucidatis, ut quemque fors obtulerat*: in all which places the MSS. of inferior note have turn'd *fors* into *fors*: whose significations are very different. *Fors* is pure *chance*: but *fors* has in it an idea of *destiny*, of *appointment*, and *allotment*. *Fors* & *fortuna viae*, *chance and the opportunity of the march*. Now, as we do not expect any exactness from our writer, we do not reproach him, that he has put *fors* in his latin text: though in his version (if it be his) he has varied from his original,

CHANCE and the fortune of the way, he said,

He has jump'd you see, upon the true interpretation; and though he writes *fors*, expresses the meaning of *fors*. I suppose they were both alike to him; and it was true *chance* that he hit the

* Tac. Annal. xiv, 5. Hist. iv, 1.

there-

right: he saw the sense was *there or thereabouts*; which is accurate enough for a modern translator.

[3]

Nam cui crediderim superos arcana daturus,
 Dicturosque magis quam sancto vera Catoni?
 Certe vita tibi semper directa supremas
 Ad leges, sequerisque deum.——

*To thee, O Cato, pious, wise, and just,
 Their dark decrees the cautious gods shall trust:
 To thee their fore-determin'd will shall tell:
 Their will has been thy law, and thou hast kept
 it well.*

Labienus already deceiv'd by fallacious predictions, confides in *Cato's* known sanctity, that he at least would obtain true ones: for surely the gods would *reveal secrets*, and *speak truth* to *Cato*, who had always liv'd in conformity to them and their sovereign laws. This, one would think, is easy enough: but no ground can be so plain, which our translator cannot stumble on. *Sanctus*, the sole epithet in the *latin*, denotes nothing but *purity and holiness of life*: this by the translator is split into three, *pious, wise, and just*. Let him take his *wise* back again, and not introduce epithets improper to the occasion. It was not *Cato's wisdom*, nor (as blunder'd before)

fore) his *knowledge*, but his innocence and purity, that might merit the god's favour. And why instead of plain *superos*, have we *cautious gods*? an idea including *fear*, and inconsistent with the nature of the Deity. He seems to chuse epithets, not for their sense, but for their syllables; *wise Cato*, *cautious gods*, both of his own manufacture, both incongruous to their places, both repugnant to each other: for if the gods were so very *cautious*, they would be the more shy, not the more communicative, in apprehension of *Cato's wisdom*. But he has made amends in the two last lines:

To thee their fore-determin'd will shall tell:

Their will has been thy law, and thou hast kept it well.

Where, though either of them might pass single and apart, yet sad consequence ensues, when they are thus in conjunction. For the *fore-determin'd will* here is *fate*; not any thing of moral direction or precept, but of physical event; as the issue of this war, &c. And then *their will* in the following line must bear the same sense. So that this *will of the gods*, the course of natural events,

events, was the *law that Cato had kept so well*. Nonsense compleat! but if this bears upon him too hard; indulge him a little, and take *their will and fore-determin'd will*, both in a moral meaning: for of one meaning both must be. And then the result is this: that as *Cato* is now to learn the divine *will* by revelation; so formerly he made *that will his law*, not by rules of virtue and natural light, but by the like revelation. So that *Cato*, through the whole course of his life, is represented like *Nicias* the *Athenian*, or *Julian* the apostate, to be a seeker to oracles: and yet this whole passage is brought to prove his scorn and contempt of them.

[4]

——— datur ecce loquendi

Cum Jove libertas: inquire in fata nefandi
Caesaris & patriae venturos excute mores.

*Fate bids thee now the noble thought improve,
Fate brings thee here to meet and talk with Jove.
Inquire betimes what various chance shall come
To impious Caesar, and thy native Rome:
Try to avert at least thy country's doom.*

I cannot read this translation, but I think
I see poor *Lucan* travestied, not apparel'd
in

in his *roman toga*, but under the cruel sheers of an *english* tailor. The poet says, *libertas datur, there's leave, liberty, opportunity of speaking with Jove* : but the translator will needs have it, that FATE *bids him improve*, and FATE *brings him to talk with Jove*. Now I should think, if *fate* had intermeddled here, that *Labienus* might have spared his speech : for *Cato* must needs have consulted the oracle without his intreaty : and yet, which is very strange, *in spite of fate* and intreaties too, he passes on and neglects it. But no wonder that this same *fate* was weaker than ordinary ; for but ten lines ago it was nothing but *chance* :

*Chance and the fortune of the way, he said,
Have brought Jove's sacred counsels to our aid.*

Here we see, *it is chance brings Jove to talk with Cato* : but whip, in the very next breath, *it is fate brings Cato to talk with Jove*. Do not laugh at this : for *chance* and *fate*, though the most contrary ideas, being equally monosyllables, are equivalent in our translator's verses.

verses. For so immediately in the very next line,

—Inquire in FATA nefandi Caesaris :

*Inquire betimes what various CHANCE shall come
To impious Caesar.*

Who could possibly have substituted *chance* for *fate* here? unless he thought his verses were to sell by the foot, no matter for the stuff whether linsey or woolsey. For is it not, as he has made it, a merry errand for *fate* to send *Cato* on? *Fate* bids him go to the oracle, to inquire there about future *chance*. Now for common sense sake let them agree to change places, that *chance* may give him the opportunity to inquire about future *fate*. For a prediction about *future chance*, would *Ammon* answer, is impossible: it would seem to him to imply a contradiction, unless he was notably read in the subtilties of metaphysics.

I had like to have forgot to ask one favour of our translator, what that *noble thought* was, that *Cato* was so big with?

Fate bids thee now the noble thought improve.

—I in-

I inquir'd of *Lucan* himself, and he knows nothing of the matter: nor is there in the version the least hint of it either before or after. I conceive, it prov'd addle in the incubation, and never arriv'd at maturity.

Well! but who can deny, that in the last couplet he has improv'd his original.

— & patriae venturos excute mores.

Inquire betimes about thy native Rome,

Try to avert at least thy country's doom.

Labienus, who at least talks good sense in his way, requests here no more of *Cato*, than to ask about *Caesar's* fate, and the future condition of the *Roman* state, whether they were to have a legal or arbitrary government, a republic or a monarchy. This is the meaning of *excute*, *sift out*, by way of inquiry: as both common language testifies, and the following lines demonstrate. But our sagacious interpreter renders *excute*, to *shake off*, to *avert the doom*. Now why, in the name of *fate*, does he thus banter his female readers? If it's *fate*, if it's *doom*; how can it be *averted*? If *Cato* tries to do that, I'll concern myself no
U more

more about him. Let him stand for me in our Writer's list, for he's fool enough to make a *free-thinker*. *Avert the doom!* in modern rhyme perhaps it may be done; but in good old *latin* it's impossible:

Desine fata deum flecti sperare precando.

But why, with submission, so very hasty; even allowing he *might avert it*? The oracle was not yet consulted: it was yet an even wager, that the expected doom might be prosperous; as likely for the laws and liberties of *Rome*, as for arbitrary power. No matter for that: our translator before-hand orders him *to try to avert* the prophesy, though it should prove in his favour.

[5]

Jure suo populis uti legumque licebit,
An bellum civile perit? tua pectora sacra
Voce reple: durae saltem virtutis amator
Quaere, quid est virtus? & posce exemplar honesti.

*Ask if these arms our freedom shall restore,
Or else if laws and rights shall be no more.
Be thy great breast with sacred knowledge fraught,
To lead us in the wandring maze of thought.
Thou that to virtue ever wer't inclin'd
Learn what it is, how certainly defin'd,
And leave some perfect rule to guide mankind.*

Here

Here his version is so loose, so rambling; that one may fairly doubt whether he understood one sentence; to be sure, not all. *Ask*, says Labienus, *whether our people shall enjoy their laws and liberties; or is the civil war lost*, has so much blood been shed *in vain* for the defence of them: This quaint expression was belov'd by *Lucan* and his uncle *Seneca*: so Lib. VI, v. 134.

——— *qui vulnera ferrent,
Jam deerant; nimbusque ferens tot tela peribat.*

So again the verb active, *perdere*, I, 442.

Atque ipsum not perdat iter———

III, 706. ——— *non perdere letum
Maxima cura fuit.*

But so far is our version from preserving (as a good one ought) this *Lucanism*, this characterism of an author, that it inverts the thought. *Shall the liberties be restor'd, or the war be lost?* says *Lucan*: *shall the liberties be lost, or the war restore them?* says the translator. A shrewd sign, that this period was gloomy and dark to him. But why so severe, may some-body say, when nothing here is lost, but only inverted? Well then, agreed to

pardon him. Misplacing indeed is not losing : for nothing was lost to honest *Claudius*, when his nephew *Caligula* order'd his *shoes* to be put on his *hands*.

Tua pectora sacra voce reple, says *Labienus* ; fill your breast with the sacred voice of the god, the answer that the oracle is to give you. This surely is very clear : and yet our translator, I fear, took *voice*, not for that of the god, but of *Cato* himself : fill your breast with your sacred voice to give us instruction. If I mistake, let some body else explain this distich :

*Be thy great breast with sacred knowledge fraught,
To lead us in the wandring maze of thought.*

A wandring maze indeed ! for *Lucan* himself is quite lost in it. Let any man try, I say, to extricate this, better than I have done : but if he's once led into the maze, I'll not undertake to lead him out of it.

The close of the speech is this :

—— *durae saltem virtutis amator*
Quaere, quid est virtus ? & posce exemplar honesti.

If you will not, says he, consult about the event of the war, as I wish you would: *at least* consult about the affairs of your sect: you, who are a Stoic, an admirer of rigid virtue, ask the oracle what is virtue; and demand to see the living face of honesty. The turn, you see, of this period intirely depends on *saltem*, at least: without that there's no just transition. And yet, some of the editions and most of the manuscripts having *semper* instead of *saltem*, our lucky interpreter fell upon that:

Thou that to virtue EVER wer't inclin'd :

Which, in this form, is flat and insipid; a complement idly repeated: for more than this he had said above: and besides, it betrays the reader into a mistake. He must think from your *english*, that *Labienus* asks *Cato* to enquire about the success of the war, and about virtue too: whereas the first is his main request; and if that fails, he compounds for the latter.

Exemplar honesti, an expression fetched from the heights of philosophy, was above our translator's level: so that we'll neither wonder nor be displeas'd, that he has so miserably render'd it:

And

And leave some perfect rule to guide mankind.

Admirable indeed: if *posce exemplar honesti*, can be rack'd or brib'd to signify, *write a book of morals*. *Exemplar, forma, facies, species, effigies*, are words applied by philosophers to *wisdom, virtue, honesty*; when they do *προσωποποιεῖν*, speak of them as *persons*. * *FORMAM quidem ipsam*, says Cicero, & *tanquam FACIEM HONESTI vides, quae si oculis cerneretur, mirabiles amores* (ut ait Plato) *excitaret*: and again, † *Habes undique expletam & perfectam FORMAM HONESTATIS*: and again, ‡ *Conseclaturque nullam eminentem EFFIGIEM VIRTUTIS, sed adumbratam imaginem gloriae*: and lastly, || *Sed nos veri juris germanaeque JUSTITIAE solidam & expressam EFFIGIEM nullam tenemus; umbra & imaginibus utimur*. Plato we see, the great Master * * * * *

* Cic. Offic. I, 5.

† De Fin. II, 15.

‡ Tusc. III, 2.

|| Off. III, 17.

T A N T U M.

A
T R E A T I S E
O N T H E
R O M A N S E N A T E.

In T W O P A R T S.

The F I R S T P A R T contains

The substance of several letters, formerly written to the late Lord HERVEY, concerning the manner of creating SENATORS, and filling up the vacancies of that body in OLD ROME.

The S E C O N D P A R T, which is now added,
contains a distinct account

- I. Of the power and jurisdiction of the SENATE.
- II. Of the right and manner of convoking it.
- III. Of the places, in which it was usually assembled.
- IV. Of the legal times of holding their assemblies.
- V. Of the different ranks and orders of men in the SENATE, and of the forms observed in their deliberations.
- VI. Of the nature and force of their decrees.
- VII. Of the peculiar dignity, honors and ornaments of a ROMAN SENATOR.

By CONYERS MIDDLETON, D. D.

Principal Library keeper of the University of Cambridge.

L O N D O N :

Printed for R. MANBY and H. S. COX on Ludgate-hill.
MDCCXLVII.

A
T R E A T I S E
O N T H E
R O M A N S E N A T E.

P A R T the F I R S T.

TH E late Lord *Hervey*, who had long honoured me with very distinguishing marks of his friendship, took occasion in one of his letters, about twelve years ago, to ask my opinion, on two or three points, relating to Classical antiquity, and especially, *on the manner of creating Senators, and filling up the vacancies of the Senate in Old Rome*; on which M. *Vertot*'s answer to the same question, when it was proposed to him by the late Earl *Stanhope*, had not given him satisfaction.

B

In

In compliance therefore with his Lordship's request, I presently sent him my thoughts on the other points, above intimated; and, in a separate letter, endeavoured to explaine the state of the *Roman* Senate, from that time, in which the Commons of *Rome* first opened their way to the public honors of the city, till the final oppression of their liberty, which I observed to be the period, to which Earl *Stanhope's* question was particularly referred.

But my short account of the matter, did not answer the purpose of Lord *Hervy's* inquiry, nor solve the particular difficulties, which seemed to him to perplex it. He resolved therefore, to take the pains of searching into it himself, and of tracing out the origin, and progress of the Senate, from it's first institution by *Romulus*, down to the reign of *Augustus*: the result of which was, that his opinion at last happened to differ from mine, which he explained with great eloquence, and enforced

enforced with great learning, drawn from the principal writers on the *Roman* affairs, both *Greek* and *Latin*.

Here then was a controversy, unexpectedly started between us, and several letters exchanged upon it. And I could heartily wish, that all controversies of the same kind, were carried on with the same spirit. For tho' each of us espoused a different hypothesis, from which neither at last seemed willing to depart, yet this adherence to our several opinions, gave not the least shock to our friendship, but rendered it more agreeable still on both sides, as being grounded on that ingenuous freedom and indulgence to each other's way of thinking, without which, no friendship can either be valuable or lasting.

As the subject of these papers has not been professedly treated, by any of the Ancients; nor, in my opinion, sufficiently explained, by any of the Moderns, so I flatter myself, that the

publication of what I had collected upon it, in the defence of my hypothesis, may be of some little use or entertainment to the curious ; as it exhibits a more distinct idea, than will easily be found elsewhere, of the genius of the *Roman* government in general, as well as a more precise illustration of the constitution of the *Roman* Senate ; which may be called, *the soul or vital principal* of that mighty republic, [a] and what gave birth and motion, to all those celebrated acts, which were successively produced in it.

In answer therefore to the question abovementioned, concerning *the right and manner of creating Senators*, and filling up the vacancies of that body, I sent my Lord *Hervey* the following letter.

[a] Ἐοικέναι τε τῷ καθ' ἓνα τὸ κοινὸν ἔφη : ψυχῆς μὲν γὰρ ἀνδρὸς ἀνάλογον ἐχέσης τὸ τῆς βελῆς ; (ὡμαί) δὲ, τὸ τῷ δήμῳ. Dionys. Hal. 5. 67. Edit. Oxon.

MY LORD,

April 1, 1735.

I WISH, that it were in my power to give your Lordship any satisfaction, on this or any other occasion, where you can possibly want it ; which as I endeavoured in my last letter, upon a question of a different kind, so I shall attempt again in this, on the subject of the Roman Senate, where I fancy myself perhaps more capable, as well as the argument more worthy of your Lordship's inquiry.-- I am ashamed to confess, that when I received the honour of your Lordship's, I had not read M. *Vertot's* answer to Earl *Stanhope* : but I have since procured it, in order to see distinctly, what it was, that could remain still obscure to you, in a question, which had been treated by so able a master, and which of itself had appeared always to me to be sufficiently clear. I shall not trouble your Lordship with my particular exceptions to the

account of that learned Antiquary, but give you only in short, my own sentiments on the same subject, drawn, as I imagine, from evident and authentic testimonies of the ancient writers.

From the time, that the Plebeians had opened themselves a way to the first honors of the state, the constant and regular supply of the Senate was from the annual magistrates ; who by virtue of their several offices acquired an immediate right to sit and vote in that assembly. The usual gradation of these offices, was that of *Quæstor*, *Tribune of the people*, *Ædile*, *Prætor*, and *Consul* ; which every candidate, in the ordinary forms of the constitution, was obliged to take in their order, with this exception only, that he might forego either the Tribunate or the Ædileship at his own choice, without a necessity of passing through them both. The Quæstorship was called the first step of honor : and the Quæstors, who were generally employed

ed

ed in the provinces abroad, assigned to them severally by lot, no sooner returned from their provincial administration, than they took their places in the Senate, and from that time forward, from the rank of Equestrians, or what we commonly call Knights, became Senators for life.

All these magistrates were elected by the people in their public assemblies, promiscuously and indifferently from the whole body of the citizens; which explains what *Cicero* frequently declares in different parts of his works, “ That the senatorian dignity
“ was conferred by the suffrage and
“ judgment of the whole Roman people; and that an access to the
“ supreme council of the republic was
“ laid open to the virtue and industry
“ of every private citizen [*a*].

B 4

But

[*a*] Qui cum regum potestatem non tulissent, ita magistratus annuos creaverunt, ut concilium Senatus reip. proponerent sempiternum; deligerentur autem in id consilium ab universo populo, aditusque
in

But though these offices gave both an immediate right and actual entrance into the Senate, yet the senatorian character was not esteemed complete, till the new Senators had been enrolled by the Censors, at the next *Lustrum*, or general review of all the orders of the city, which was generally held every five years. Yet this enrollment was but a matter of form, which could not be denied to any of them, except for some legal incapacity, or the notoriety of some crime, or infamy upon their characters; for which, the same Censors could expel or deprive any other Senator, of what rank or standing soever. It was one part likewise of the censorian jurisdiction,

in illum summum ordinem omnium civium industriae ac virtuti pateret. Cic. pr. Sext. 65.

Si populum Romanum, cujus honoribus in amplissimo consilio collocati sumus. Post. red. in Sen. I.

In eo loco, in quo me honores populi Romani collocaverunt. Pr. Dom. 31.

Cujus beneficio in hunc ordinem venimus. In Verr. 4. II.

to fill up the vacancies of the Senate, upon any remarkable deficiency in their number, with new members from the equestrian order, who had not yet born any magistracy : but this was not done arbitrarily, or without the consent and approbation of the people. For by observing the manner of proceeding on some extraordinary occasions, we may collect the legal and regular method in ordinary cases. For example, after the battle of *Cannæ*, the Senate being greatly exhausted, and no Censors in office, a Dictator was created for the single purpose of filling up the vacancies : who presently ascended the Rostra, and in the presence of the people, assembled in the Forum, ordered all those, who remained alive of the last censorian list, to be first called, and enrolled anew ; then those, who since that time had born a curule magistracy, but had not been enrolled, each according to the order of his creation ;
then

then those, who had been *Ædiles*, *Tribunes of the people*, or *Quæstors*; and lastly, those of the equestrian rank, who had born no magistracy at all, but had signalized themselves in the war, and taken spoils from the enemy: and having thus added one hundred and seventy seven new senators to the last roll, with the universal approbation of the people, he laid down his office [b]. Upon another occasion likewise, when *Sylla*, the dictator, after the destruction made by his civil wars and proscriptions, found it necessary to fill up the exhausted senate with three hundred Knights, he gave the choice of them to the people in an assembly of their tribes [c].

The power of the Censors, being naturally odious and unpopular, was generally exercised with temper and caution, unless when an extraordinary licence and corruption of the times

[b] Liv. l. 23. 23.

[c] App. de Bell. civ. l. 1. p. 413.

seemed to demand a particular severity and enforcement of discipline. The censures however of these magistrates were not perpetual or irreversible, nor considered as bars to any future advancement : for what was inflicted by one Cenfor, was sometimes reversed by the other ; and what was done by them both, by an appeal to the people ; or by the succeeding Censfors ; who commonly restored the disgraced party to his former dignity ; or else by obtaining, a second time, any of the magistracies abovementioned, the person so disgraced entered again into the Senate, and was enrolled of course by the next Censfors. Thus we find some, who had suffered the censorian note of infamy, chosen Censfors afterwards themselves [*d*] ;
and

[*d*] Ponam illud unum : C. Getam, cum a L. Metello & Cn. Domitio censoribus e senatu ejectus esset, censorem ipsum postea esse factum—Quos autem L. Gellius & Cn. Lentulus, duo censores, furti & captarum pecuniarum notaverunt, ii non modo

and *C. Antonius*, who was *Cicero's* colleague in the consulship, had been expelled the senate for his vices, about six years before; and *Lentulus* also, who was expelled even after he had been consul, was restored to the Senate by obtaining the prætorship a second time after that disgrace; in which office, he was put to death by *Cicero*, for conspiring with *Catiline* against the public liberty [*e*].

Thus, as it is evident from un-

modo in senatum redierunt, sed etiam illarum ipsarum rerum judiciis absoluti sunt. Cic. pro Cluent. 42.

Censores denique ipsi sæpenumero superiorum censorum judiciis — non steterunt. atque etiam ipsi inter se censores sua judicia tanti esse arbitrantur, ut alter alterius judicium non modo reprehendat, sed etiam rescindat. ut alter de senatu movere velit, alter retineat.—Ibid. 43. Vide etiam Val. Max. l. 2. 9. 9.

[*e*] Hunc Antonium sexennio, quo hæc dicerentur, Gellius & Lentulus censores senatu moverunt; causamque subscripserunt, quod judicium recusarit, quod propter æris alieni magnitudinem prædia manciparit, bonaque sua in potestate non haberet. Asc. Pæd. in Orat. in Tog. Cand. Vid. it. Dio. l. 37. p. 43. D. Vell. Pat. 2. 34.

questionable

questionable authorities, the legal and ordinary source, by which the vacancies of the Senate were supplied, was from the annual magistrates, chosen by the people : a method of supply, of all others the best adapted to support the dignity, as well as to fill up the number of that august body ; which could never be remarkably deficient, but by the uncommon accidents of war, or pestilence, or proscriptions of the nobility : on which occasions, those deficiencies were supplied, either by the extraordinary power of a Dictator, created for that purpose, or the ordinary power of the Censors, confirmed by the approbation of the people. M. *Vertot* seems to perplex the question ; first, by considering the authority of the people, and that of the Censors, as opposite and inconsistent with each other in the creation of Senators, whereas they were both of them jointly necessary, to make the act complete : secondly, by asserting

asserting the censorian power to be the original and principal in that affair, whereas it was but secondary or ministerial, to the sovereign prerogative of the people.

ABOUT a month after the date of this letter, his Lordship sent me his own opinion on the same subject, drawn out at length, in the form of a dissertation; which he supported afterwards, and farther explained by a second; and finally defended by a third.

As soon as I had received the first of them, I immediately sat down to consider the argument again more precisely: and agreeably to the method observed by his Lordship, endeavoured to sketch out the legal and genuine state of the Roman Senate, through all the several periods, in which it had suffered any remarkable alteration, under the Kings, the

Consuls

Consuls, and the Censors : in pursuance of which design, as fast as I filled up my papers to the proper size of a letter, I transmitted them to his Lordship at different times and in different packets : all which I have now thought proper, for the sake of brevity and perspicuity, to connect into one continued letter, in the very words of the originals, as far as they could be recovered from the imperfect notes, which I had taken of them, or at least, in an exact conformity to that sense, in which they were first written.



MY LORD,

WHEN your Lordship required my thoughts *on the manner of filling up the Roman Senate*, I gave them in the simplicity of my heart, the best, that occurred to me, on a subject, for which I was not then particularly prepared. I fancied, that I could dictate to your Lordship, as M. *Vertot* to Earl *Stanhope*, and recollecting, that I was writing to a court, thought it a part of good breeding, to keep clear of Greek and Latin. But your Lordship has fairly caught me, and, in your elaborate dissertation, given me a pattern, how I ought to have written on a question of learning, or at least, how to my Lord *Hervey*.

In my former letter, I chose to begin my account of the Senate, from that time, when its power and glory were at their height, and it's history the most worthy of our notice; when
it

it was free in it's deliberations, and open in it's access, to the virtue of every citizen. But since your Lordship has thought fit to recur to it's very origin, and to trace out it's progress through every period of it's duration, I think myself obliged to pursue the same method, and explain my thoughts on it's original constitution and legal manner of supply, from the very foundation of *Rome*, to the oppression of it's liberty. But in order to place the subject of our debate in it's true light, it will be necessary, to state precisely the different opinions, which we severally entertain about it.

Your Lordship's notion then is, “ that
 “ under the Kings of *Rome*, the choice
 “ and nomination of all the Senators
 “ depended wholly on the will of the
 “ Prince, without any right in the people,
 “ either direct or indirect: that
 “ the Consuls, who succeeded to the
 “ kingly power, enjoyed the same pre-
 C “ rogative

“ rogative, till the creation of the Cen-
 “ fors ; who ever after possessed the
 “ sole and absolute right of making
 “ and unmaking Senators.”

My opinion on the contrary is, “ that
 “ the Kings, the Consuls, and the Cen-
 “ fors acted in this affair, but ministe-
 “ rially and subordinately to the su-
 “ preme will of the people ; in whom
 “ the proper and absolute power of
 “ creating Senators always resided.”

I shall procede therefore, in the method above proposed, to examine, what evidence of facts, or grounds of probability can be found in favor of my hypothesis, through all the several periods of the Roman history.

I must confess in the first place, that, as far as our argument is concerned with the regal government of *Rome*, your Lordship has the Latin writers on your side, who constantly speak of the creation of Senators, as a branch of the royal prerogative. But in computing the proper force of this evidence,

evidence, we must remember, that none of those writers treat the question professedly, but touch it only incidentally; and that it is natural to all, upon the slight and occasional mention of an event, to ascribe it to the principal agent, concerned in it's production; so as to impute the acts of popular assemblies to the Prince or ruling Magistrate, who convened and presided in them, and had the chief influence perhaps in determining the transactions themselves. Thus when *Livy* tells us, *that the Præfect of the city created the first Consuls; and that Brutus, one of these Consuls, created P. Valerius, his Colleague in that office; or that the Interrex on other occasions created the Consuls, or that the Pontifex Maximus was ordered by the Senate to create the first Tribuns* [*f*], he means no-

C 2

thing

[*f*] Duo Consules inde, comitiis centuriatis, a Præfecto Urbis, ex commentariis Servii Tullii, creati sunt. Liv. l. 1. 60.

Brutus

thing more, than that those Magistrates called the people together, in order to make such creations, in which they assisted and presided [g]. And as this is the usual stile of all writers, so it is peculiarly of those, who write the history of their own country, and for the information of their own people; who have not the patience, to treat minutely of things, which they suppose to be known to their readers, as well as to themselves: and hence it sometimes happens, that the origin of customs and constitutions of the greatest importance are left dark and obscure, not onely to strangers, but even to the natives of later ages.

The case however is different, with *Dionysius of Halicarnassus*; who pro-

Brutus Collegam sibi comitiis centuriatis creavit P. Valerium. Ibid. 2. 2.

Is Consules creavit Q. Publilium Philonem & L. Papirium Curforem. Ibid. 9. 7.

Factum S. C. ut Q. Furius, Pont. Max. Tribunos plebis crearet. Ibid 3. 54.

[g] Ibi extemplo, Pontifice Maximo comitia habente, Tribunos plebis creaverunt. Ibid.

fesses

esses to write for the instruction of strangers ; and to explane the civil government of *Rome*, and the origin of it's laws with the diligence of an Antiquary, as well as the fidelity of an Historian. This celebrated author then informs us, that when *Romulus* had formed the project of his Senate, consisting of an hundred members, he reserved to himself the nomination only of the first, or president of the assembly, and gave the choice of all the rest to the people, to be made by a vote of their Tribes and their Curiaë. Must we then prefer one Greek to all the Latin writers ? yes, as we prefer one credible and positive evidence, to many of a negative kind ; or one, who searches things to the bottom, to any number, who, without the pains of searching, take up with the popular and vulgar accounts of things.

But of all the Roman writers, whom your Lordship has cited, as *Livy* is the chief, so he will be found perhaps to

be the onely one, who in the present case deserves any regard from us ; the rest of them for the most part, being but transcribers or epitomizers of him, rather than historians : so that in effect, it is the single credit of *Livy*, which, in the question before us, stands opposed to *Dionysius*, and where these two happen to differ, it cannot be difficult to decide, which of them ought to have the preference ; nay, it is already decided by the judgment of all the best critics ; who, upon the comparison, have universally preferred the diligence and accuracy of *Dionysius*, to the hast and negligence of *Livy* [b].

Let

[b] Multa enim Dionysius de Romanorum ceremoniis religionibusque in Deos ; non pauca de variis ritibus atque institutis, deque eorum legibus ac tota politia accurate diligenterque scripsit, quæ Livius cæterique Historici partim omnino prætermiserunt, partim leviter tantum strictimque attigerunt. H. Steph. in Dionys. c. 6.

Cujus major fides in historia, quam *Livii*, *Tranquilli*, *Taciti*, *Arriani*. Ant. Possevin.

Multis

opposition to him: and if in this case of the augmentation, why not in the other, of the nomination of the Senators? for as far as the case can be determined by authority, the character of *Dionysius* will bear us out in adhering to him, preferably to all others; especially in points of antiquity, or things remote from their own knowledge. Let us examine therefore in the next place, what facts may be collected within this period, to confirm the testimony of *Dionysius*.

All historians agree, that great powers and privileges were originally granted to the people by *Romulus*: who had no sooner secured his new city by a wall, than he began to provide laws for the citizens, because nothing else could unite a multitude into one common body [*k*]. This was his first care, according to *Livy*, and one of

[*k*] Vocata ad concilium multitudine, quæ coalescere in populi unius corpus nulla alia re, præterquam legibus poterat, jura dedit. Liv. i. 8.

his first laws, according to *Dionysius*, was, to divide the people into *three tribes*, and each tribe into *ten Curiae*, for the more convenient method of voting and transacting the public business in their assemblies [l]. He had reigned eleven or twelve years before his union with the *Sabins*: which makes it probable, that he had made this division of the people before that æra; and settled what was the first thing necessary, the form of his political government.

Each of the thirty *Curiae* of *Old Rome* had a temple or chapel, assigned to them, for the common performance of their sacrifices and other offices of religion: so that they were not unlike to our parishes. Some remains of which little temples seem to have subsisted many ages after on the Palatine hill [m], where *Romulus* first built the city, and always resided: whence

[l] Dionys. l. 2. 7.

[m] Tacit. Annal. 12. 24.

Manutius infers, that the institution of the *Curiae* was previous to the union with the *Sabins*, since these were seated separately from the Romans on the *Capitoline* and *Quirinal* hills [*n*]: which confirms likewise the account of *Dionysius*, and takes off, what your Lordship alledges as an objection to it, that the *Curiae* were not yet established, when he supposes the Senate to have been elected by them.

Again, it is agreed likewise by all, that *Romulus* instituted the *Comitia Curiata*; or the public assemblies of the people, called to vote in their several *Curiae*; and that the matters subjected to their decision, were, the choice of all the magistrates, and the right of making of laws, war and peace. An ample jurisdiction, and in the most important articles of government; yet not wholly absolute, as

[*n*] *Dionys.* l. 2. 50.

Dionysius says, unless the Senate concurred with them [o].

But this method of transacting all the greater affairs by the people, assembled in their *Curiae*, after it had subsisted through five successive reigns, was found to be inconvenient. For in assemblies so constituted, where every individual had an equal vote, the issue of all deliberations must depend of course on the poorer sort, who are always the most numerous, though not always the most reasonable or incorrupt; so that *Servius Tullius*, the sixth King, in order to correct this inconvenience, instituted a new division of the people into *six classes*, according to a *census*, or valuation of their estates: then he subdivided these classes into *one hundred and ninety three centuries*, and contrived to throw a majority of these centuries, that is, *ninety eight of them*, into the first class of the richest

[o] Id. c. 14.

citizens : by which regulation, though every man voted now in his *Century*, as before in his *Curia*, yet, as all matters were decided by a majority of the *Centuries*, so the balance of power was wholly transferred into the hands of the rich ; and the poorer sort deprived of their former weight and influence in the affairs of state [*p*]: which wise institution was ever after observed through all succeeding ages, in the elections of the principal magistrates, and the determination of all the principal transactions of the Republic.

These facts, confirmed by all writers, shew the power of the people to have been extremely great, even under the regal government. It extended to the choice, not onely of their Kings, but of all the other Magistrates, and I find no reason to imagine, that the Senators

[*p*] Non enim viritim suffragium eadem vi eodemque jure promiscue omnibus datum est : sed gradus facti, ut neque exclusus quisquam suffragio videretur, & vis omnis pene primores civitatis esset. Liv. 1. 43. it. Dionys. l. 4. 20, 21.

were

were excepted, or none at least, sufficient to balance the contrary testimony of so grave an author as *Dionysius*.

On the demolition of *Alba* by *Tullus Hostilius*, some of the chief families of that city were enrolled likewise into the Senate. *Livy* reckons six, *Dionysius* seven [q]: and *Manutius*, to make their accounts consist with what is delivered concerning the limited number of the Senate, imagines, that these *Albans* were not created Senators, but *Patricians* onely, and by that means rendered capable of being chosen into the Senate on the occasion of a vacancy. But it may be supposed perhaps with more probability, that the number of *Albans*, taken into the Senate at that time, was no more than what supplied the vacancies then subsisting, so as to fill it up to it's settled complement of two hundred. This affair however, as *Dionysius* intimates, was

[q] Liv. i. 30. Dionys. 3. 29.

not transacted without the consent both of the Senate and the people.

The last augmentation of the Senate, under the Kings, was made by *Tarquinius Priscus*, who added *an hundred* new members to it, from the *Plebeian* families, and so enlarged the whole number from two to *three hundred*. He did this, as *Livy* informs us, to strengthen his particular interest, and to raise a sure faction to himself in the new Senators of his own creation [*r*]: whence M. *Vertot* draws a conclusion, *that the people had no share in this election* [*s*]. But it is incredible, that an innovation of such importance, which must needs disgust the Nobles, should be attempted and established by an elective King, if he had not been supported by the power and suffrages of the commons: and especially by a Prince, so cautious of

[*r*] *Factio haud dubia Regis, cujus beneficio incuriam venerant.* Liv. 1. 35.

[*s*] See M. *Vertot's* answer to E. *Stanhope*.

giving jealousy to his subjects, that he would not accept the robes and ensigns of sovereign power, which were presented to him by the *Tusfans*, whom he had subdued in war, till he had first consulted the Senate and the people, and obtained their approbation [*t*].

But your Lordship here remarks, that *Dionysius* himself ascribes this act to the Prince, without any mention of the people [*v*]: To which I answer, that after he had precisely and frequently explained the whole process of filling up the Senate, might he not think it needless to repeat the ceremonial on every occasion? might he not imagine, that what he had before so particularly described, would be applied to every subsequent case of the same kind? and when he had once settled this point, was it not natural for him, like all other writers, and for

[*t*] *Dionys.* 3. 62.

[*v*] *Id.* 67.

the sake of brevity, to impute the act done in consequence of it, to the principal mover and director of it? Since *Dionysius* then, the most accurate of the Roman historians, and who treats the particular question under debate more largely and clearly than any of them, is expressly on my side; and since all the rest, who seem to differ from him, touch it but slightly and incidentally, nor yet absolutely contradict him; I cannot help thinking, that, as far as authority reaches, my hypothesis must appear to be better grounded than your Lordship's.

I shall consider therefore in the last place, how far it is confirmed by arguments, drawn from the nature and fundamental principles of the Roman government, as it was administered under the Kings. The first citizens of *Rome* were all voluntary adventurers, whom their young leader *Romulus* had no power either to force, or means to attach to his Service, but the promise
of

of large immunities and rights, and a share with him in the administration of their common affairs. This indulgence was necessary to his circumstances; and we find accordingly, that he granted them all the privileges even of a *Democracy*; *the right of making laws, war and peace, with the choice of all their magistrates*; and most probably therefore, of *the Senators*. Now when these rights had been once granted and possessed by the people, it is not credible, that they would ever suffer themselves to be deprived of them; or that Kings elective, and of so limited a jurisdiction, should be disposed, or able to wrest them wholly out of their hands. Their first King *Romulus* no sooner began to violate the constitutions, that he himself had made, than, as it is commonly believed, he was privately taken off [x]:

[x] Οἱ δὲ τὰ πιθανώτατα γράφουσι, πρὸς τῶν ἰδίων πολιῶν λίσσιν αὐτὸν ἀποθανεῖν. Dionys. 2. 56. it. Appian. de Bell. Civ. 2.

and their last King *Tarquinius*, by a more open and violent infringement of their liberties, not only lost his crown, but gave occasion to the utter extinction of the kingly government [y]. The intermediate Kings do not seem to have made any attempt upon the liberties of the people: for in the case above mentioned, when *Servius Tullius* contrived to reduce the authority of the poorer sort, it was to advance that of the rich; and to change onely the hands, not the power of his masters: to whom, as *Cicero* intimates, and as *Seneca*, upon his authority, declares, there lay *an appeal* from the magistrates, and even from the Kings themselves [z]. The

[y] Hic enim regum primus traditum a primoribus morem de omnibus Senatum consulendi solvit. domesticis conciliis remp. administravit. bellum, pacem, foedera, societates per se ipse, cum quibus voluit, injussu populi ac Senatus, fecit diremitque. Liv. 1. 48.

[z] Partim regiis institutis, partim etiam legibus auspicia, cærimonix, provocaciones, &c. Cic. Tusc. Quest. 4. 1.

The Kings indeed, by virtue of their office, must needs have had a great influence over the deliberations of the people. It was their prerogative, to call the people together ; to preside in their assemblies ; to propose the affairs to be debated ; or the persons to be elected ; and to deliver their own opinion the first [a]. So that we need not wonder, that the writers, who are not treating the matter critically, should impute to them the result of all the public councils. They constantly do it in the affair of *war and peace* ; which yet was the unquestionable prerogative of the people ; and when they do it therefore in the case before us, it cannot be alledged, as an argument of any weight, against the people's right of *choosing the Senators*.

Æque notat, Romulum periisse solis defectione. Provocationem ad populum etiam a regibus fuisse. Id ita in pontificalibus libris aliqui putant, & Feneftella. Senec. Epist. 108.

[a] Βαλὴν τε συνάγειν, καὶ δῆμον συγκαλεῖν καὶ γνώμης ἀρχειν, καὶ τὰ δόξαντα τοῖς πλείοσιν ἐπιτελεῖν. ταῦτα μὲν ἀπέδωκε βασιλεῖ τὰ γέγρα. Dionys. l. 2. 14.

On the whole ; since the origin of *Rome* itself is involved in fable and obscurity, it is not strange, that the first transactions of it's citizens should also be obscure and uncertain : but upon the strictest search into the state of the present question, as it stood under the kingly government, I cannot but conclude, from the express testimony of the best historian, the concurrence of similar facts, and the probability of the thing itself, that *the right of choosing Senators* was originally and constitutionally vested in the people.

We are now arrived at the Consular state of *Rome* : and upon this memorable change of government, and the expulsion of their Kings, effected with such spirit and resolution by an injured people, for the recovery of their just rights, we may expect to find them in the possession of every privilege, which they could legally claim. For our reason would suggest, what all authors testify, that in the beginnings and un-

I settled

settled state of this revolution, great complaisance and deference would necessarily be paid by the Senate to the body of the Commons [b]. I shall examine then, what facts and testimonies may be alledged in favor of my opinion, during this first period of the Consular government, till the creation of the Censors, which includes the space of sixty seven years.

The first exercise of the people's power was, to elect two Consuls, to supply the place of the ejected King : who were now chosen, as they were ever after, in the *Comitia centuriata*, or by a vote of the people assembled in their centuries, according to the institution of *Servius Tullius* : and the first care of the new Consuls was, to secure to the people all their rights, which their late King *Tarquin* had violated ; particularly, the decision of

[b] Multa blandimenta plebi per id tempus a Senatu data. Liv. 1. 9.

all the great affairs of state in their public assemblies [c].

P. Valerius, the Collegue of *Bru-tus* in the Consulate, was so warm an assertor of the authority of the people, that he acquired by it the name of *Poplicola* [d]. Yet happening to build his house upon an eminence, he gave umbrage to the citizens, as if he had designed it for a citadel, and affected a power dangerous to their liberty. Upon which, he demolished what he had built, and calling the people together, in order to justify himself, commanded his officers, on their entrance into the assembly, to submit and let fall *the fasces*, or ensigns of his magistracy, as an acknowledgment, that *the majesty of the Commons* was superior to that of the Consuls [e]. If the

[c] Dionys. 5. 2.

[d] Qui populi majestatem venerando *Poplicolæ* nomen assecutus est. Val. Max. 4. 1.

[e] Gratum id multitudini spectaculum fuit, submissa sibi esse imperii insignia ; confessionemque factam, populi quam Consulis majestatem, vimque majorem esse. Liv. 2. 7. Vid. Dionys. 5. 19.

power

power therefore of the Consuls was the same with that of the Kings, as all the ancient writers declare [*f*], it is certain, that the power of the people was always superior to them both.

This was the state of things in the infancy of the Republic; in which the people were much careſſed by the nobles, as long as there was any apprehension of danger from their deposed King or his family [*g*]: and in these circumstances, the Senate, which had been reduced, by *Tarquin's* arbitrary reign, to half it's legal number, was filled up to it's former complement of *three hundred*, by *Brutus* and *Valerius*; or by the one or the other of them, as

[*f*] Sed quoniam regale civitatis genus probatum quondam, postea non tam regni quam regis vitiis repudiatum est, res manebat, cum unus omnibus magistratibus imperaret. Cic. de Legib. 3.

Libertatis autem initium inde magis, quia annum imperium Consulare factum est, quam quod diminutum quicquam sit ex regia potestate, omnia jura, omnia insignia primi Consules tenuere. Liv. 2. 1.

[*g*] Plebi, cui ad eum diem summa ope inservitum erat. Ibid. 21.

writers differently relate it. All that *Dionysius* indeed and *Livy* say upon it, is, *that a number of the best citizens were chosen from the commons to supply the vacancies* [b]. But we cannot imagine, that an act of so great moment could pass without the special command and suffrage of the people, at a time, when nothing else of any moment passed without it: the reason of the thing, and the power of the people in all similar cases, must persuade us of the contrary.

The next fact, that relates to our question, is, the admission of *Appius Claudius* into the Senate. He was one of the Chiefs of the *Sabin* nation, who deserted to *Rome*, with a body of his friends, and dependents, to the number of five thousand; to whom the freedom of the city, and lands were publicly assigned, and to *Appius* himself, a place in the Senate. *Livy* does

[b] Liv. 2. 1. Dionys. 5. 13.

not say, by what authority this was done; but *Dionysius*, that it was by an *order of the Senate and people* [i]: that is, by a previous decree of the Senate, approved and ratified by an assembly of the commons: which was the legal and regular way of transacting all the public business, from the very beginning of the Republic, and continued generally to be so, in all quiet and peaceable times, to the end of it [k].

These are the onely examples of filling up the Senate, from the expulsion

[i] Ἀνθ' ὧν ἡ βουλὴ καὶ ὁ δῆμος εἰς τε τὰς παλαικίας αὐτὸν ἐνέβραψεν. *Dionys.* l. 5. 40. *Liv.* 2. 16.

[k] Brutus ex S. Co. ad populum tulit. *Liv.* 2. 2.

Per intercessionem Collegarum, qui nullum plebiscitum nisi ex auctoritate Senatus, passuros se perferri, ostendunt, discussum est. *Liv.* 4. 49.

Potestas in populo auctoritas in Senatu est. *Cic.* de Leg. 3.

Decreverunt Patres, ut cum populus regem jussisset, id sic ratum esset si patres auctores fierent. hodieque in legibus Magistratibusque rogandis, usurpatur idem jus, vi adempta, priusquam populus suffragium ineat, in incertum comitiorum eventum patres auctores fiunt. *Liv.* 1. 17.

of

of the Kings; to the creation of the Censors: and though we are not directly informed, by what authority they were effected, yet it is certain, that it was by the intervention and power of the people; agreeably to the express testimony of *Cicero*, and the speech of *Canuleius* the Tribun, referred to by your Lordship, wherein it is declared, that from the extinction of the Regal government, the admission of all members into the Senate was given by *the command of the people* [1].

From these augmentations just mentioned, to the institution of the Censorship, there is an interval of sixty years or more, without the mention of any review or supply of the Senate whatsoever: and yet there must have been

[1] Deligerentur autem in id consilium ab universo populo, aditusque in illum summum ordinem omnium civium industriæ ac virtuti pateret. Cic. pr. Sext. § 137.

Aut ab regibus lecti, aut post reges exactos, jussu populi. Liv. 4. 4.

some constant method of supplying it during that time, or it would have been wholly extinct. The Consuls, whose province it then was, to hold *the Census, and general lustration* of the citizens, as oft as they found it necessary, had, in consequence of that duty, the task also of settling the roll of the Senate at the same time. Yet there is no instance recorded, of the exercise of that power, or of any act relating to it, either by the admission or ejection of any Senators: so that the state of the Senate in this period is left wholly dark to us by the ancients, nor has been explained, as far as I know, by any of the moderns.

The most probable account of the matter is this; that the Senate began now to be regularly supplied by the annual Magistrates, who were instituted about this time, and chosen by the people. These were two *Quæstors* of *Patrician* families, and *five Tribuns* of the people, with two *Ædiles* of *Plebeian*

beian families; to which *five more Tribuns* were afterwards added: and if we suppose all these to have had an admission into the Senate by virtue of their office, and consequently, a right to be enrolled by the Consuls at the next lustrum, this would yield a competent supply to the ordinary vacancies of that assembly: which might receive some accession also from the *Decemviri*, who were not all Patricians, nor yet Senators perhaps, before their election to that magistracy. If this was the case, as I take it to have been, it will help us to account for the silence of authors about it, as being a thing, that succeeded of course, so as to have nothing in it remarkable, or what seemed to deserve a particular recital.

The office of *Quæstor*, which was instituted the first, is always mentioned by the ancients, as the first step of honor in the Republic, and what gave an
entrance

entrance into the Senate [*m*]. As to *the Tribuns*, it has been taken for granted, on the authority of *Valerius Maximus*, that, on their first creation, they were not admitted into the Senate, but had seats placed for them before the door, in the vestibule [*n*]. But we may reasonably conclude, that a Magistrate so ambitious and powerful, who could controul, by his single negative, whatever passed within doors, would not long be content to sit without. *A. Gellius* says, that they were not made Senators before the law of *Atinius* [*o*]; who is supposed to be *C. Atinius Labeo*, Tribun of the people, A. U. 623 [*p*]: but that cannot pos-

[*m*] Quæstura, primus gradus honoris. Cic. in Ver. Act. 1. 4.

[*n*] Illud quoque memoria repetendum est, quod Tribunis plebis intrare Curiam non licebat. ante valvas autem positis subselliis, decreta patrum attentissima cura examinabant. Val. Max. 1. 2. c. 2. 7.

[*o*] Nam & Tribunis plebis Senatus habendi jus erat, quanquam Senatores non essent, ante Atinium Plebiscitum. A. Gell. 14. 8.

[*p*] Vid. Pighii Annales. A. U. 623.

sibly be true, since it is evident from the authority of *Dionysius*, that near four centuries before, *the Tribuns*, by the mere weight and great power of their office, had gained an actual admission into the Senate within two years after their first creation [*q*]: in which we find them debating and enforcing with great warmth the demands of the Commons, for a liberty of *intermarriages with the nobles*, and the choice of a *Plebeian Consul* [*r*]: so that the intent of this *Atinian* law could not be, as it is commonly understood, that the Tribuns should be Senators in virtue of their office, for that they had been from the beginning, but that for the future, they should always be chosen

Ταῦτα δὲ ὀρῶντες οἱ δήμαρχοι. παρῆσαν γὰρ τῷ Συνεδρίῳ, παρακληθέντες ὑπὸ τῶν ὑπάτων. *Dionys.* l. 7. 25. A. U. 263.

Καὶ τῷτο ἔπεισαν ἡμᾶς οἱ Σύμβουλοι τὸ ἀρχεῖον ἔασαι παρελθεῖν εἰς τὴν βελὴν. *Ibid.* 49.

[*q*] Ἐπεὶ αὖτε Συναχθέντες εἰς τὸ βασιλεῖήριον οἱ Σύεδροι, παρόντων καὶ τῶν δημάρχων. *Dionys.* l. x. 11.

[*r*] *Liv.* 4. 1, 2, 3. *Dionys.* xi. 57.

out

out of the body of the Senate, or, which is the same thing, out of those, who had already born the office of *Quæstor*.

About thirteen years before the creation of the Censors, the Tribuns began to assume a right of summoning or convoking the Senate; and of propounding to them whatever they thought proper [*s*]. A prerogative, which the Consuls alone had ever exercised before; and which I take to be a clear proof of their being then members of the Senate: and I find also, that two Patricians, even of Consular dignity, were elected Tribuns of the people about the same time, in an extraordinary manner [*t*]: which can hardly be accounted for, without supposing this Magistracy to have had an admission into the Senate.

[*s*] Dionys. x. 31.

[*t*] Novi Tribuni plebis in cooptandis collegis, Patrum voluntatem foverunt: duos etiam Patricios Consularesque Sp. Tarpeium & A. Aterium cooptavere. Liv. 3. 65.

Some few years before this, upon the death of one of the Consuls and the sickness of the other, at a time of great consternation in *Rome*, the supreme power and care of the public was committed to the *Ædiles* [*v*]: which great deference to their office, makes it reasonable to conclude, that these magistrates also were at this time in the Senate, as they unquestionably were within a short time after. But the warm contest hinted above, about the right of electing a *Plebeian Consul*, which continued on foot for a long time, seems to demonstrate the truth of my opinion; it being wholly incredible, that the Commons should demand to have one of their body placed at the head of the Senate, before they had obtained so much as an entrance into it, for any of the other plebeian magistrates.

[*v*] *Circuitio & cura Ædilium plebei erant. ad eos summa rerum ac majestas Consularis imperii venerat. Liv. 3. 6, 7.*

I cannot omit the mention of one fact more, not foreign to our present purpose, though it did not happen till about two hundred years later ; which is this ; the *Flamen Dialis*, or sovereign priest of *Jupiter*, revived an ancient pretension to a seat in the Senate, in right of his office ; which, by the indolence of his predecessors, had not been claimed or enjoyed for many generations. The Prætor rejected his claim, nor would suffer him to sit in that assembly : but upon his appeal to the Tribuns, that is, to the people, his right was confirmed, and he was allowed to take his place as a Senator [x]. This case shews, that the privilege of the Senate might be annexed to an office, without any notice taken of it by the historians ; for we have not the least hint from any of them, of the origin of this *Flamen's* right ; nor any mention of him as a

[x] Liv. 27. 8.

Senator, but on this very occasion : though by the manner of his appeal, the claim seems to have been grounded on some old grant from the people.

But it may perhaps be objected, that though the annual magistrates might furnish a tolerable supply to the ordinary vacancies of the Senate, yet there must have been some other method of providing for the extraordinary deficiencies, made by the calamitous accidents of wars abroad, or sickness at home, of which there are several instances in the Roman history. In answer to which, it must be owned, that the Senate, in such particular exigencies, would demand a larger supply, than the public offices could furnish : and the method of supplying it seems to have been regulated by what the first Consuls did, upon the first enrollment and completion of the Senate : for this was probably the standing precedent ; agreeably to which,

all the future Consuls, as we may reasonably presume, used to pitch upon a number of the best and most reputable citizens of the Equestrian rank, to be proposed to the choice and approbation of the people in their general assembly; who, by approving and confirming the list, gave them a complete and immediate right to the rank and title of Senators during life.

This will appear still more probable, by reflecting on a fact or two delivered by all the Historians. *Sp. Mælius*, who was attempting to make himself King, was one of the most wealthy and popular Commoners of the Equestrian order, yet from *Livy's* account, it is plain, that he was a Senator: for his first ambition, it is said, was onely to be chosen Consul, which seems to imply it: but the Dictator's speech concerning him directly asserts it: for he observes with indignation, that *he, who had not been so much as a Tribun, and whom, on the account*

of his birth, the city could hardly digest as a Senator, should hope to be endured as a King [y].

About forty years after this, *P. Licinius Calvus*, another eminent commoner, was elected one of the military Tribuns with consular authority. He was the first plebeian, who had been raised to that dignity: but history has not informed us, what particular merit it was, that advanced him to it: for as *Livy* observes, *he had passed through none of the public offices, and was only an old Senator of great age.* [z] If we should ask then, how these two Plebeians came to be made Senators, without having born any magistracy, there is no answer so probable, as that they were added to the roll of the Senate, with other eminent citizens,

[y] Ex equestri ordine, ut illis temporibus, prædices—cui Tribunatus plebis magis optandus quam sperandus—ut quem Senatorem concoquere civitas vix posset, regem ferret. Liv. 4. 13, 15.

[z] Vir nullis honoribus usus, vetus tamen Senator & ætate jam gravis. Liv. 5. 12.

by the command of the people, on some extraordinary creation. For if the nomination had wholly depended on the will of any *Patrician* magistrate, it is scarce to be imagined, that he would have bestowed that honor on *Plebeian* Families.

I shall procede in the next place, to consider the State of the Senate, after the establishment of the Censors, and try to reconcile my hypothesis, with the great power and authority delegated to these magistrates in the affair of creating Senators, in which the whole Difficulty of the present quæstion consists.

The people were now, as the ancient writers tell us, the sole arbiters of rewards and punishments, on the distribution of which depends the success of all governments ; and in short, had the supreme power over all persons and all causes whatsoever [a].

E 3

These

[a] Quum illi & de Sempronio & de omnibus
summar

These accounts leave no room for any exception, and make it vain to suppose, that the commons, in this height of power, would establish a private jurisdiction, to act independently and exclusively of their supremacy. But besides the proofs already alledged of their universal prerogative, we have clear evidence likewise of their special right in this very case of making Senators. The testimony of *Cicero* produced above, is decisive: and the frequent declarations, which he makes, both to the Senate and the people, that he owed all his honors, and particularly his seat in the Senate, to the favour of the people [b], are unquæstionable proofs of

summam populi Romani potestatem esse dicerent.
Liv. 4. 42.

Populus Romanus, cujus est summa potestas omnium rerum. Cic. de Harusp. respons. 6. Vide Polyb. l. 6. 462, B. Τιμῆς γὰρ ἐστὶ καὶ τιμωρίας ἐν τῇ πολιτείᾳ μόνος ὁ δῆμος κύριος, &c.

[b] Rex denique ecquis est, qui Senatorem Populi Romani tecto ac domo non invitet? qui honos non homini solum habetur, sed primum *Populo Romano*,

of it. For such speeches delivered in public, and in the face of the Censors themselves, must have been considered as an insult on their authority, and provoked their animadversion, if they had not been confessedly and indisputably true. The testimony of *Cicero* is confirmed also by *Livy* [c], which gives occasion to *M. Vertot* to observe, *that the sole right of creating Senators is attributed to the people by two, the most celebrated writers of the republic.* but after the acknowledgment of so great an authority, he affirms, too inconsiderately, in the very next words,

E 4 *that*

mano, *cujus beneficio in hunc ordinem venimus.* In Ver. l. 4. xi.

Si populum *Romanum*, *cujus honoribus in amplissimo concilio & in altissimo gradu dignitatis, atque in hac omnium terrarum arce collocati sumus.* Post redit. in Sen. i.

Et palam fortissime atque honestissime dicerent, se potuisse judicio populi Romani in amplissimum locum pervenire, si sua studia ad honores petendos conferre voluissent. Pr. Cluen. 56.

[c] Aut ab regibus lecti, [in Senatum] aut post reges exactos, jussu populi. Liv. 4. 4.

that all the facts and examples of history are clearly against it [d]. For whatever those facts may seem to intimate, on a slight view, and at this distance of time, yet it is certain, that they must admit such an interpretation, as is consistent with a testimony so precise and authentic.

But in truth, the people's right of chusing magistrates, was the same with that of chusing Senators; since the magistrates by virtue of their office obtained a place of course in the Senate: that is, *the Quæstors, Tribuns of the people, Ædiles, Prætors, Consuls*; for this was the regular gradation or steps of honor, which every man, in the course of his ambition, was to ascend in their Order. A method, contrived with great prudence and policy; by which no man could be entrusted with the supreme power, and the reins of government, till he had given a specimen of his abilities, through all the

[d] Reponse au Memoire de Ld. Stanhope.

inferior offices, and subordinate branches of it: and we find accordingly in the old Fasti or Annals, many examples of persons who had proceeded regularly through them all [e].

The young Patricians indeed, proud of their high birth, and trusting to the authority of their families, would often push at the higher offices, without the trouble of soliciting for the lower. But this was always resented and complained of by the Tribuns, as an infringement of the constitution; *that the nobles in their way to the Consulship, should jump over the intermediate steps, and slight the inferior honors of Ædile and Prætor*: as in the case of *T. Quinctius Flaminius*, who from his first preferment of *Quæstor*, was elected consul by the authority of the Senate [f]: and it was

to

[e] Q. Cassius Longinus was chosen Quæstor A. U. 575. Tribun of the people 580. Ædile 583. Prætor 586. Consul 589. Vide Pigh. Annales.

[f] Comitia per Tribunos pl. impediabantur, quod T. Quinctium Flaminium Consulatum ex Quæ-

to correct this license and irregularity, that *Sylla* afterwards, by a special law, enjoined the obligation of passing through the inferior offices, as a necessary qualification for the consulate. But the practice itself did not derive it's origin from this *Cornelian* law, as your Lordship seems to intimate, but was grounded on a constitution or custom of ancient standing.

Let us examine then after all, what part really belonged to the Censors, in this affair of creating Senators. This magistracy was first instituted, A. U. 311. not to take any share of power from the people, but of trouble only from the Consuls: who now began to have more of it than they could possibly discharge: and the special business of these Censors, was to ease them of the task of holding the *Census* &

Quæstura petere non patiebantur. Jam Ædilitatem Præturamque fastidiri, nec per honorum gradus documentum sui dantes, nobiles homines tendere ad Consulatum, sed transcendendo media imis continuare. Liv. 32. 7.

Lustrum,

Lustrum, which the Consuls had not been able to do for seventeen years past: that is, to take a general review of the whole people, as oft as there should be occasion; to settle the several districts and divisions of the tribes; to assign to every citizen his proper rank and order, according to a valuation of his estate; and lastly, to call over the Senate, and make a fresh roll, by leaving out the names of the deceased, and adding those, who had acquired a right to fill their places; that is the magistrates, who had been elected into their offices since the last call.

But besides this task, which was purely ministerial, they had the particular cognizance and inspection of the manners of all the citizens, and in consequence of it, a power to censure or animadvert upon any vice or immorality, in all orders of men whatsoever; which they took an oath to discharge without favour or affection. But this power reached no farther than
to

to inflict some publick mark of ignominy, on lewd and vicious persons, in proportion to the scandal, which they had given, by degrading or suspending them from the privileges of that particular rank, which they held in the city. This was their proper jurisdiction, and the foundation of their power over the Senate; by virtue of which, they frequently purged it of some of it's unworthy and profligate members; by leaving out of the new roll, the names of those Senators, whom they found unworthy to sit in that august assembly, for the notoriety of their crimes; which they used commonly to assign, as the cause of their inflicting this disgrace [*g*]. There are many examples

[*g*] Censor-penes quem majores nostri judicium Senatus de dignitate esse voluerunt. Cic. pro Dom. 51.

Hic annus Censuræ initium fuit; rei a parva origine ortæ: quæ deinde tanto incremento aucta est, ut morum disciplinæque Romanæ penes eam regimen, Senatus, Equitumque centuriæ, decoris dedecorisque discrimen sub ditione ejus magistratus. Liv. 4. 8.

Patrum memoria institutum fertur, ut Censores Senatu motis adscriberent notas. Id. 39. 42.

ples of Senators thus expelled by the Censors, generally for good reasons; yet sometimes through mere peevishness, envy or revenge [*b*]: but in such cases, there was always the liberty of an appeal to the final judgment of the people. So that the Censorian power, properly speaking, was not that of making or unmaking Senators, but of enrolling only those, whom the people had made; and of inspecting their manners, and animadverting upon their vices; over which they had a special jurisdiction delegated by the people. Their rule of censuring seems to have been grounded on an old maxim of the Roman policy, injoining, *that the*

[*b*] See the account of the Censorship of C. Claudius Nero, and M. Livius Salinator, in which they both peevishly affronted and disgraced each other, and were called to an account for their administration by one of the Tribuns. Itaque ibi scdum certamen inquinandi famam alterius cum suæ famæ damno factum est.—Cn. Bæbius Tribunus plebis ad populum diem utrique dixit. Liv. 39. 37.

Senate

Senate should be pure from all blemish, and an example of manners to all the other orders of the city: as we find it laid down by Cicero in his book of laws, which were drawn, as he tells us, from the plan of the Roman constitution [i].

It is certain, that several laws were made at different times to regulate the conduct of the Censors, of which we have now no remains. *Festus* speaks of one, not mentioned by any other writer, the *Ovinian law*; by which they were obliged, in making up the roll of the Senate, *to take the best men of every order, chosen in an assembly of the Curiae* [k]. This law was probably made soon after the creation of the Censors, or as soon at least as they began to extend their power, and use

[i] Censores probum in Senatu ne relinquunto, Is ordo vitio careto. Ceteris specimen esto. Cic. de Leg. 3.

[k] Donec Ovinia Tribunitia intervenit, qua sanc-tum est, ut Censores ex omni ordine optimum quemque curiatim Senatu legerent. in Voc. Præteriti.

it arbitrarily ; in order to reduce them to the original constitution. *Cicero* takes occasion to observe in one of his speeches, “ that their ancestors had “ provided many checks and restraints “ on the power of the Censors : that “ their acts were often rescinded by a “ vote of the people : that the people “ by marking a man with infamy, or “ convicting him of any base crime, “ deprived him at once of all future “ honors, and of all return to the Senate ; but that the Censorian animadversion had no such effect ; and “ that the persons disgraced by it were “ commonly restored to the Senate, “ and sometimes made even Censors “ after it themselves.” [1] and in another place he says, “ that the judgment of the Censors had no other “ force, than of putting a man to the “ blush ; and that it was called ignominy, because it was merely nominal [m].”

[1] *Pro Cluent.* 42, 43, 44.

[m] *Fragment. de Repub.* l. 4.

L. Metellus was animadverted upon by the Censors, while he was *Quæstor*: yet, notwithstanding that disgrace, was chosen Tribun of the people, the year following, A. U. 540: in which office, he called the Censors to an account before the people, for the affront, which they had put upon him; but was hindered by the other Tribuns, from bringing that affair to a trial [*n*]. We find likewise *C. Claudius* and *T. Sempronius* called to an account before the people for their administration in the Censorship [*o*]: and in a dispute between themselves, about the assignment of a proper tribe to the sons of slaves made free, *Claudius* alledged, *that no Censor could take from any citizen his right*
of

[*n*] *Extemplo Censoribus*—a *L. Metello* Tribuno pleb. dies dicta ad populum est. *Quæstorem* eum proximo anno tribu moverant—sed novem tribunorum auxilio, vetiti causam in magistratu dicere. Liv. 24. 43.

[*o*] *Non recusantibus Censoribus, quo minus primo*

of suffrage, without the express command of the people [o]. Q. Metellus, when Censor, left the name of *Atinius*, one of the Tribuns of the people, out of the roll of the Senate: but the Tribun, enraged by the affront, ordered the Censor to be seized and thrown down the *Tarpeian* rock; which would probably have been executed, if the other Tribuns had not rescued him. The same Tribun however took his revenge, by the solemn consecration of *Metellus's* goods [p]. Now these facts demonstrate, that the power of the Censors, instead of being

mo quoque tempore judicium de se populus faceret. Liv. 43. 16.

[o] Negabat Claudius suffragii lationem injussu populi Censorem cuicumque homini, nedum ordini universo adimere posse. Liv. 45. 15.

[p] Atqui C. Atinius, patrum memoria, bona Q. Metelli, qui eum ex Senatu Censor ejecerat—consecravit; foculo posito in rostris, adhibitoque Tibicine. Cic. pr. Dom. 47.

Q. Metellus—ab C. Atinio Labeone—revertens e campo, meridiano tempore, vacuo foro & Capitolio, ad Tarpeium raptus ut præcipitaretur, &c. Plin. Hist. Nat. 7. 44.

absolute, as your Lordship contends, in the case of making Senators, had in reality little or no share in it; and was much limited also and restrained, in, what is allowed to be their proper jurisdiction, the affair even of unmaking or degrading them.

Let us inquire therefore, on what reasons *M. Vertot* has so peremptorily declared, that the facts and examples of history are contrary to this notion of the people's power, in the case under debate. By these facts, he means the instances of Senators created and expelled by the sole authority of the Censors, without any apparent consent or interposition of the people: and so far it must be allowed, that they seldom made a new roll of the Senate, without striking several out of it, as either their own tempers, or the particular condition of the times, disposed them to more or less severity: and their administration was usually reckoned moderate, when *three or four*
2
only

onely were so disgraced by them [q]. But it must always be remembered, that the ejected Senators had the right of an appeal and redress from the people, if they thought themselves injured; and if they did not take the benefit of it, we may impute it to a distrust of their cause, and a consciousness of their guilt.

Cato the elder, when Censor, struck seven out of the roll of the Senate: and among the rest, one of Consular dignity; the brother of the great *T. Flamininus*. But the high quality of the person disgraced, obliged *Cato* to set forth the greatness of his crime in a severe speech; on which *Livy* remarks, “ that, if he had made the
“ same speech, by way of accusation,
“ to the people, before his animadver-
“ sion, which he made afterwards,

[q] Censores *T. Quintius Flamininus* & *M. Claudius Marcellus* Senatum perlegerunt. quatuor soli præteriti sunt, nemo curuli honore usus, & in equitatu recensendo mitis admodum censura fuit. *Liv.* 38. 28.

“ to justify it, even *T. Flaminius*
 “ himself, if he had then been Cenfor,
 “ as he was in the preceding Lustrum,
 “ could not have kept his brother in
 “ the Senate.” In the end of this
 speech, *Cato* puts the ejected Senator
 in mind, “ that, if he denied the fact,
 “ with which he was charged, he might
 “ defend himself, by bringing the mat-
 “ ter to a trial ; if not, no body would
 “ think him too severely treated [*r*].”
 This case shews, what was the legal and
 ordinary method of relief, as well as the
 reason, why few perhaps were disposed
 to make use of it.

The Cenfors were generally men of
 the first dignity in the city, and always
 of Consular rank ; so that their acts
 had naturally a great weight : and the
 severity of their discipline was consider-
 ed by the honest of all orders, as a great
 guard and security to the Republic :
 and when they acted even on spitefull

[*r*] Liv. 39. 42, 43.

and peevish motives, yet the parties injured would not always take the trouble of going through a trial, since they could be relieved without it, either by the next Censors, as they commonly were [s] ; or by obtaining a new magistracy, in the next annual elections ; by which they were restored of course to the Senate. But if any of these animadversions continued to have a lasting effect, it was always owing to an universal approbation of them from all the orders of the city : for whenever they appeared to be violent or grossly unjust, neither the Senate nor the people would endure them for a moment.

Thus when *Appius Claudius* the Censor, [A. U. 441.] upon some extraordinary deficiency in the Senate, filled up the new roll with some of those citizens, whose *grandfathers had been slaves*, contrary to the established

[s] Eorum notam Successores plerumque solvebant. Ascon. in Divinat. 3.

rule and practice of the city, *there was not a soul*, as *Livy* says, who looked upon that enrollment as valid [*t*]: and the first thing, that the next Consuls did, was, to annul it by an appeal to the people, and to reduce the Senate to the old list, as it was left by the preceding Censors [*v*].

The office of Censor, at it's first institution, was designed to be *quinquennial*, or to continue in the same hands for five years; but this length of magistracy, unknown before to *Rome*, was reduced soon after to one year and an half, by a law of *Mamercus Æmilius*, the Dictator: which regulation, tho' popular, provoked the Censors so highly, that in revenge for this abridg-

[*t*] Appii Claudii censura vires nacta, qui Senatum primus libertinorum filiis inquinaverat. & posteaquam eam lectionem nemo ratam habuit.—*Liv.* 9. 46.

[*v*] Itaque Consules—initio anni, questi apud populum deformatum ordinem prava lectione Senatus,—negaverunt eam lectionem se, quæ sine recti pravique discrimine, ad gratiam libidinemque facta esset, observaturos.—*Ibid.* 30.

ment

ment of their authority, they put the last disgrace upon the Dictator himself, by turning him even out of his tribe, and depriving him of his vote as a citizen. But a proceeding so extravagant was immediately over-ruled, nor suffered to have the least effect: and the people were so enraged at it, that they would have torn the Censors in pieces, had they not been restrained by the authority of *Mamercus* himself [*x*]: who, within eight years after, was made Dictator again for the third time. *So little regard was paid, as Livy observes, to the Censorian mark of disgrace, when it was inflicted unworthily* [*y*]: and about a century after, we find one of the Tribuns speaking of this same fact, as a proof of the mischief, which the vio-

[*x*] Populi certe tanta indignatio coorta dicitur, ut vis a Censoribus nullius auctoritate præterquam ipsius Mamerci, deterreri quiverit. Liv. 4. 25.

[*y*] Adeo—nihil censoria animadversio effecit, quo minus regimen rerum ex notata indigne doimo peteretur. Ibid. 30.

lence of these magistrates might do in the Republic [z].

I have hitherto been explaining the ordinary power and jurisdiction of the Censors, as far as it related to the creation of Senators. But as under the Consuls, so under these Magistrates, there must have been, as I observed, some extraordinary creations, made to supply the extraordinary vacancies, occasioned by wars and contagious distempers: and in all such cases, it was certainly a standing rule, to draw out a list of the best men from all the orders of the city, to be proposed to the suffrage and approbation of the people, in their general assembly.

We meet with no account indeed of any such extraordinary creation, under the authority of the Censors; nor even of any ordinary one, till one

[z] Tenuit Æmilia lex violentos illos Censores—qui, quid iste magistratus in Repub. mali facere possent, indicarunt, &c. Ib. 34.

hundred and twenty years after their first institution, in the Censorship of *Appius Claudius*: yet from the reason of the thing we may fairly presume, that there had been several instances of both kinds. We read of a Dictator chosen for that very purpose, A. U. 537, at a time, when there were no Censors in office, and when the Senate was reduced by the war with *Hannibal*, to less than half of its usual complement. This Dictator, *M. Fabius Buteo*, being a prudent and moderate man, resolved to take no step beyond the ordinary forms.

“ Wherefore he immediately ascended
 “ the Rostra, and in an assembly of
 “ the people, called thither for that
 “ occasion, ordered the last Cenforian
 “ roll of the Senate to be transcribed
 “ and read over, without striking one
 “ name out of it: and gave this rea-
 “ son for it, that it was not fit for a
 “ single man, to pass a judgment up-
 “ on the reputation and manners of
 “ Senators,

“ Senators, which belonged by law to
 “ two. Then in the place of the dead,
 “ he first added those, who had born
 “ any *Curule Magistracy* since the last
 “ call ; after them, *the Tribuns, Æ-*
 “ *diles and Quæstors* ; and lastly those,
 “ who had not born any of these of-
 “ fices, but had served with honor in
 “ the wars, and *could shew spoils taken*
 “ *from the enemy, or a Civic crown :*
 “ and having thus added *an hundred*
 “ *and seventy seven* new members to
 “ the old list, with the universal ap-
 “ probation of the assembly, he laid
 “ down his office [a].

M. Vertot argues, that this nomi-
 nation of Senators was the pure act and
 deed of the Dictator, or otherwise there
 could be no reason to praise him for it :
 which he confirms, by shewing also,
 on the other hand, that the blame of
 a bad choice was imputed likewise to
 the magistrate ; as in the case of *Ap-*

[a] Liv. 23. 33.

pius Claudius, when he attempted to introduce the grandsons of slaves into the Senate [b]. But this reasoning is not well grounded, for though praise or blame would naturally fall upon the magistrate, in proportion, as what he recommended and attempted to enact, happened to deserve the one or the other, yet these two cases shew, that the approbation or dislike of the people did not terminate in the mere praise or dispraise of the magistrate; but affected the very essence and validity of his act: for in the first case, where the people approved, the act stood firm, and had it's effect; but in the other, where they disapproved, it was presently annulled and rescinded.

There was another extraordinary creation of Senators made by *Sylla*, the Dictator, in order to fill up the Senate, exhausted by his proscriptions

[b] See Reponse au Memoire de Lord Stanhope.

and civil wars, with *three hundred new members from the Equestrian rank*: the choice of whom he gave intirely to the people, in an assembly of their tribes, which of all elections was the most free. His design without doubt was, to make them some amends for his other violences, by paying this respect to their ancient rights and liberties [c].

There is a third augmentation also, prior to that of *Sylla*, mentioned by the epitomizer of *Livy*, and ascribed to *C. Gracchus* [d]. By which *six hundred of the Equestrian rank* are said to have been added to the Senate at once. But this cannot be true, as being contrary to the testimony of all the old writers, who speak of nothing more, than that the right of judicature, which had belonged to the Senate, from the time of the Kings, was tranferred by *Gracchus* to the *Knights*,

[c] Appian de Bell. Civ. l. i. p. 413.

[d] Lib. 60.

in common with the Senators; so that *three hundred* were to be taken from each order, out of whom the judges in all causes should be chosen promiscuously by lot [e]. This was the act of *C. Gracchus*, which continued in force to the time of *Sylla*; and it was this, probably, which led that writer into his mistake: but if any augmentation of the Senate had been made at the same time, it is certain, that it must have been made by the power of the people; which no man ever asserted so strenuously, or carried so high, as this very *Gracchus*.

These extraordinary creations of Senators, made with the consent and approbation of the people, in their general assemblies, may be presumed to have passed according to the forms of the constitution, and consequently,

[e] Μόνοι γὰρ ἔκρινον τὰς δίκας, [οἱ συγκλήτικοι] καὶ διὰ τὸτο φοβεροὶ τῷ δήμῳ καὶ τοῖς ἱππεῦσιν ἦσαν. ὁ δὲ τριακοσίαις τῶν ἱππέων προσκατέλεξεν ἀνδράσι, ἔσι τριακοσίαις, καὶ τὰς κριτεῖς κοινὰς τῶν ἑξακοσίων ἐποίησε. Plutar. in Vit. C. Gracch.

point out to us the regular method of proceeding in ordinary cases. But the augmentation made by *Sylla*, as it enlarged the number of the Senators beyond what it had ever been, so it gave an admission to many, who were unworthy of that honor [*f*]: and the general corruption of manners, introduced by the confusion and licence of those turbulent times, made it necessary to revive the office and ancient discipline of the Censors [*g*], which had lain dormant for seventeen years past: in which the new Censors, *L. Gellius*, and *Cn. Cornelius Lentulus*, exercised their power with more severity, than had ever been known before: for they left *sixty four* out of the roll of the Senate; of whom *C. Antonius* was one, who, within seven years

[*f*] *Judicum culpa atque dedecore etiam Censorium nomen, quod asperius antea populo videri solebat, id nunc poscitur, id jam populare atque plausibile factum est. Cic. in Cæcil. Divinat. 3.*

Βελήν τε γὰρ ἐκ τῶν ἐπιτυχόντων ἀνθρώπων συνέστησε, Σύλλα. Dionys. l. 5. 57.

after,

after, was chosen Consul together with *Cicero* ; and *P. Lentulus* another, who, as I have said above, was chosen Prætor again after that disgrace, and in that office, put to death for conspiring with *Catiline*. *Cicero* speaks of several more, who were degraded by the same Censors, for a charge of bribery and extortion in their judicial capacity ; yet were all, not onely restored to the Senate, but acquitted also afterwards of those very crimes in a legal trial [b].

The severity of this Censorship furnished a pretext not long after to *P. Clodius*, for procuring a law, to prohibit the Censors, from striking any one out of the roll of the Senate, or disgracing him in any manner, upon the report of common fame, or the notoriety of any crime, *till he had been formally accused and found guilty by*

[b] Quos autem ipse L. Gellius & Cn. Lentulus, duo Censores—furti & captarum pecuniarum nomine notaverunt : ij non modo in Senatum redierunt, sed etiam illarum ipsarum rerum judiciis absoluti sunt. Cic. pr. Cluent. 42.

the common judgment of both the Censors [i]. Cicero frequently inveighs against this law, and reflects severely on *Clodius*, for abridging or abolishing a salutary power, that had subsisted four hundred years, and was necessary to support the credit and dignity of the Senate [k]. But in this, perhaps, he was influenced rather by his resentment against his inveterate enemy, the author of it, than by any iniquity of the law itself, which seems to have been a reasonable one in a free state.

Now from all these facts and testimonies we may collect, what was the proper part of the Censors in the affair of creating Senators. For in the ordinary way of making them, they had nothing more to do, than to enroll the

[i] Τοῖς δὲ Τίμηταις ἀπηγόρευσε, μητ' ἀπαλειῖφειν ἐκ τίνος τέλεος, μητ' ἀτιμάζειν μηδένα, χωρὶς ἢ εἴτις παρ' ἀμφοτέροις σφίσι κριθεὶς ἀλοίη. Dio. l. 37. p. 66. E.

[k] Ab eodem homine, in stupris inauditis, nefariisque versato, vetus illa magistra pudoris & modestiæ, severitas censoria sublata est. In Pison. 4. pr. Sext. 25.

names of those, who had born the public offices, since the last call or review of the Senate: and to degrade them, was to leave them onely out of the roll, when by the notoriety of their crimes, they had shewn themselves unworthy of that high rank, to which the Roman people had advanced them. But that they had no right of creating them, is plain from the case of the *Flamen Dialis*; who upon the opposition made to his claim, did not seek redress from the Censors, but the Tribuns; that is, from the people, as the sovereign judges of the affair. Lastly, the description given by *Cicero*, of the Cenforian jurisdiction in all it's branches, is exactly conformable to my hypothesis: for he assigns them no part in the creation of Senators, nor any other power over that body, than what flowed from their right of inspecting the manners of all the citizens. *Let them govern*, says he, *the*

morals of the city, and leave no stain or scandal in the Senate [1].

But I must not forget to acknowledge, that, though the public magistrates had a right, by virtue of their office, to a place in the Senate, yet they could not, in a strict sense, be esteemed complete Senators, till they had been enrolled by the Censors at the next lustrum. This is the sole reason, for which the writers commonly ascribe an absolute power to the Censors in the case of making Senators; not considering, that the enrollment was but a matter of form, which was never denied or could be denied to any, but for some notorious immorality: and that a right of creating and degrading Senators by a plenitude of power, is a quite different thing, from that of enrolling onely those, whom others had created, or rejecting them

[1] Mores populi regunt: probum in Senatu ne relinquunt. Cic. de Leg. 3. 3.

for a charge of crimes, which had rendered them unworthy of that honor, to which they had been raised by a different authority. For the part of enrolling or striking out the names of Senators, was all that the Censors had to do in this affair, in which they were still subject to the final judgment of the people, and liable to be obstructed in the discharge of it by any of the Tribuns [*m*].

Besides this task of enrolling the Senators, and inspecting their manners, it was a part likewise of the Censorian jurisdiction, *to let out to farm all the lands, revenues, and customs of the Republic; and to contract with artificers, for the charge of building and repairing all the public works and edifices, both in Rome and the colonies of*

[*m*] Dio. l. 37. p. 33. D. Cn. Tremellius Tribunus, quia lectus non erat in Senatum, intercessit. Liv. 45. 15.

Italy [n]. Now in this branch of their office, it is certain, that they acted merely under the authority of the people, and were prohibited by law, *to let out any of the revenues, except in the Rostra, under the immediate inspection, and in the very presence of the people* [o]. In consequence of which, when *Fulvius Flaccus*, one of the Censors, was ordering some great and expensive works, more arbitrarily, than the law would regularly warrant, his Collegue *Postumius* refused to join with him, and declared, that he would not engage himself in any contracts, to the waist of the public treasure, *without an express order of the Senate and*

[n] Cenfores interim Romæ—Sarta teſta acriter & cum ſumma fide exegerunt, viam e foro Boario ad Veneris, & circa foros publicos & ædem Matris magnæ in Palatio faciendam locaverunt. Veſtigial etiam novum ex Salaria annona ſtatuerunt, &c. Liv. 29. 37. Polyb. l. 6. 464. C.

[o] Cenſoribus Veſtigialia locare, niſi in conſpectu populi Romani non licet. Cic. de Leg. Agrar. 1. 3. Veſtigialia nuſquam locare licet, niſi ex hoc loco, [ex Roſtris] hac veſtrum frequentia. Ib. 2. 21.

the people, whose treasure it was [p]. If the Cenfors then, in these inferior articles of their administration, were obliged to act under the immediate controul and inspection of the people, and as ministers onely of the people's will, we may reasonably infer, that they could not act in any other capacity, in the more important affair, of making and unmaking Senators.

Again, in the general census and review of the city, held by them every five years, though every single citizen was particularly summoned and enrolled by name in his proper tribe, as a freeman of *Rome*, yet that solemn enrollment, as *Cicero* tells us, *did not confirm any man's right to a citizenship, but signified onely, that he had passed for a citizen at that time [q].*

[p] Alter ex iis Fulvius Flaccus, (nam Postumius nihil nisi Senatus Romani populive jussu, se locaturum ipsorum pecunia dicebat) Jovis ædem Pisauri & Fundis, &c. Liv. 41. 27.

[q] Sed quoniam Census non jus civitatis confirmat, ac tantummodo indicat, eum, qui sit census, ita se jam tum gessisse pro cive. Cic. pr. Arch. 5.

Because the proper power of determining that right resided always in the people [*r*]: whence we may conclude likewise by a parity of reason, that the Censorian roll of the Senate did not either confer or take away any one's right to that high order, unless it were confirmed, either by the presumed consent, or express command of the Roman people.

But though the magistrates of the city had a right to a place and vote in the Senate, as well during their office, as after it, and before they were put upon the roll by the Censors, yet they had not probably a right, to speak or debate there on any question, at least in the earlier times of the Republic. For this seems to have been the original distinction between them and the ancient Senators, as it is plainly intimated in the *formule* of the Consular

[*r*] Mutines etiam Civis Rom. factus, rogatione ab Tribunis pl. ex auctoritate Patrum, ad plebem lata. Liv. x. 52.

edict, sent abroad to summon the Senate, which was addressed *to all Senators, and to those, who had a right to vote in the Senate* [s]. From which distinction, these last, who had onely a right to vote, were called, by way of ridicule, *Pedarians*; because they signified their votes by their feet, not their tongues; and upon every division of the house, went over to the side of those, whose opinion they approved [t]. It was in allusion to this old custom, which seems however to have been wholly dropt in the later ages of the Republic, that the mute part of the Senate continued still to be

[s] Consules edixerunt, quoties in Senatum vocassent, uti *Senatores, quibusque in Senatu dicere sententiam liceret*, ad portam Capenam convenirent. Liv. 23. 32. it. 36. 3. Festus in voc. Senatores—A. Gell. 1. 3. 18.

[t] Non pauci sunt qui arbitrantur *Pedarios* Senatores appellatos, qui sententiam in Senatu non verbis dicerent, sed in alienam sententiam pedibus irent. &c. Vid. A. Gell. ibid.

Ita appellatur, quia tacitus transeundo ad eum, cujus sententiam probat, quid sentiat, indicat. Fest. in *Pedarius*—

called by the name of *Pedarians*, as we learn from *Cicero*, who, in giving an account to *Atticus*, of a certain debate and decree of the Senate upon it, says, that *it was made with the eager and general concurrence of the Pedarians, though against the authority of all the Consulars* [v].

From the distinction, signified above, in *the formule* of summoning the Senate, it may not perhaps be improbable, that on certain urgent occasions, in which an extraordinary dispatch or secrecy was required in their counsils, the latter part of the edict might be omitted, and none but the old and proper Senators called to the meeting: and if this was the case, as some writers have imagined [x], it will clear up the difficulty of a story in *Valerius Maximus*, which has greatly perplexed all

[v] Est enim illud S. C. summa Pedariorum voluntate, nullius nostrum auctoritate factum. ad Att.

I. 19.

[x] Vid. Pighii Annales. Tom. 1. p. 72.

those,

those, who have treated this question, and is thus related; “ *Q. Fabius Maximus*, on his return from the Senate, happening to meet with *P. Crassus*, told him, by way of news, what had been resolved secretly about the *Punic war*, remembering, that *Crassus* had been *Quæstor* three years before, and not knowing, that he had not yet been put upon the roll of the Censors, and so had no right to be in the Senate: for which *Fabius* was severely reprimanded by the Consuls [y].” For *Valerius* must not be understood to assert, that the *Quæstors* had no right to an admission into the Senate, till they were enrolled by the Censors: since it appears from unquestionable facts and testimonies, drawn from the practice, at least, of the later ages of the Republic, that they had not onely an entrance and

[y] Val. Max. 2. 2.

vote in it, but a free liberty of speaking also, or debating on all questions : so that I see no way of accounting for the offence committed by *Fabius*, in giving part of the deliberation to *P. Crassus*, but that it was one of that *secret* kind [z], to which the old Senators onely used to be summoned in the early ages.

[z] *J. Capitolinus* mentions a decree of the Senate of this *secret kind*, which he calls *S. C. tacitum*, and says, that the use of them among the ancients was derived from the necessities of the public, when upon some imminent danger from enemies, the Senate was either driven to some low and mean expedients, or to such measures, as were proper to be executed before they were published, or such as they had a mind to keep secret even from friends ; on which occasions they commonly recurred to a *tacit decree*, from which they excluded their clerks and servants, performing that part themselves, lest any thing should get abroad. *Capitolin. de Gordianis*, c. 12. In the early times of the Republic there are several instances mentioned by historians, of such private meetings of the Senate, summoned by the Consuls to their own houses, to which none but the old or proper Senators were admitted, and of which the Tribuns usually complained. Vid. *Dionys. l. x. 40. l. xi. 55, 57.*

But

But that the *Quæstors* had a direct admission into the Senate, and were stiled and treated as Senators, and had a liberty also of speaking in their turn, as well as the rest, is evident, as I have said, from many clear facts and testimonies. For instance; *C. Marius*, as the same *Valerius* says, not being able to procure any magistracy in *Arpinum*, his native city, ventured to sue for the *Quæstorship* at *Rome*, which he obtained at last *after many repulses, and so forced his way into the Senate, rather than came into it* [a]. *Cicero*, after he had been *Quæstor*, being elected *Ædile*, as soon as he was capable, declares in one of his speeches, how by that advancement, he had gained an *higher rank and earlier turn of delivering his opinion in the Senate* [b]: which implies, that he had a right of

[a] Patientia deinde repulsarum, irrupit magis in Curiam quam venit. Id. l. 6. 9. 14.

[b] Antiquiorem in Senatu sententiæ dicendæ locum. in Verr. 5. 14.

speaking there before, when *Quæstor*, though later onely in point of time, and after the other magistrates. In another speech, he stiles *P. Clodius*, a Senator, while he was onely of *Quæstorian* rank [c]: and in a congratulatory letter to *Curio* at *Rome*, upon his election to the *Tribunate*, taking occasion to renew a request, which he had made to him in former letters, when he had onely been *Quæstor*, he says, *that he had asked it of him before, as of a Senator of the noblest birth, and a youth of the greatest interest, but now of a Tribun of the people, who had the power to grant what he asked* [d]. Lastly, *M. Cato*, as *Plutarch* writes, when he was *Quæstor* of the city, never failed to attend the Senate, for fear, that any thing should pass in his absence to the detriment of

[c] Adoptat annos viginti natus Senatorem. pr. Dom. 13, 14.

[d] Itemque petivi sæpius per litteras, sed tum quasi a Senatore Nobilissimo—nunc a Tribuno plebis. Ep. Fam. 2. 7.

the public treasure, of which he was then the guardian [*e*]: which seems to imply, that he was not onely a Senator in virtue of his office, but had the liberty of acting or speaking there, if he had found occasion.

Before I put an end to my argument, I must add a word or two, on what your Lordship has incidentally touched, *the number of the Senate, and the qualifications of a certain age and estate*, required in it's members by law.

As to it's number, it is commonly supposed to have been limited to *three hundred*, from the time of the Kings, to that of the *Gracchi*. But this must not be taken too strictly: it generally had that number, or thereabouts, and upon any remarkable deficiency, was filled

[*e*] Plutar. in Vit. Caton.

Cicero likewise in reckoning up the number of Senators, who were in *Pompey's* camp, distinguishes them by their several ranks, of *Consular, Prætorian, Ædilitian, Tribunitian, and Quæstorian Senators*. Philip. 13. 14.

up again to that complement by an extraordinary creation. But as the number of the public magistrates increased with the increase of their conquests and dominions, so the number of the Senate, which was supplied of course by those magistrates, must be liable also to some variation. *Sylla*, as we have seen above, when it was particularly exhausted, added *three hundred* to it at once from the Equestrian order : which might probably raise the whole number to about *five hundred* : and in this state it seems to have continued, till the subversion of their liberty by *J. Cæsar*. For *Cicero*, in an account of a particular debate, in one of his letters to *Atticus*, mentions *four hundred and fifteen* to have been present at it, which he calls *a full house* [*f*].

[*f*] Cum decerneretur frequenti Senatu—ut Consules populum cohortarentur ad rogationem accipiendam, homines ad xv Curioni nullum S. C. facienti assenserunt ; ex altera parte facile cccc. fuerunt. ad Att. l. i. 14.

That

That there was a certain age also required for a Senator, is often intimated by the old writers, tho' none of them have expressly signified what it was. The legal age for entring into the military service, was settled by *Servius Tullius* at seventeen years [g]: and they were obliged, as *Polybius* tells us, to serve ten years in the wars, before they could pretend to any civil magistracy [b]. This fixes the proper age of suing for the *Quæstorship*, or the first step of honor, to the twenty eighth year: and as this office gave an admission into the Senate, so the generality of the learned seem to have given the same date to the Senatorian age. Some writers indeed, on the authority of *Dion Cassius*, have imagined it to be *twenty five years*: not reflecting, that *Dio* mentions it there as a

[g] A. Gellius x. 28.

[b] Polyb. de Institut. rei milit. l. 6. p. 466.

regulation onely, proposed to *Augustus*, by his favorite *Mæcenæ* [*i*].

But for my part, as far as I am able to judge, from the practice of the Republic in it's later times, I take the *Quæstorian* age, which was the same with the *Senatorian*, to have been *thirty* years complete. For *Cicero*, who declares in some of his speeches, that he had acquired all the honors of the city, without a repulse in any, and each in his proper year, or as soon as he could pretend to it by law, yet did not obtain the *Quæstorship*, till he had passed through his thirtieth year [*k*]: and when *Pompey* was created Consul, in an extraordinary manner, and by a special dispensation, in his *thirty sixth* year, without having born any of the subordinate dignities, *Cicero* observes

[*i*] Vid. Dio. l. 52. p. 477. Lipf. de magistratib. Rom.

[*k*] *Cicero* was born A. U. 647. obtained the Quæstorship A. U. 677. which he administered the year following in *Sicily*. See Life of *Cicero*. Vol. 1. p. 57. Quarto. Pighii Annales.

upon it, that he was chosen into the highest magistracy, before he was qualified by the laws to hold even the lowest [1]: by which he means the *Ædileship*; which was the first office, that was properly called a magistracy, and what could not regularly be obtained, till after an interval of *five years* from the *Quæstorship*.

But my notion seems to be particularly confirmed by the tenor of certain laws, given at different times by the Roman governors, to foreign nations, relating to the regulation of their particular Senates: for the *Halesini*, a people of *Sicily*, as the story is told by *Cicero*, “ having great quarrels among
“ themselves, about the choice of their
“ Senators, petitioned the Senate of
“ *Rome*, to give them some laws concerning it. Upon which the Senate

[1] Quid tam singulare, quam ut legibus solutus ex S. consulto Consul ante fieret, quam ullum alium magistratum per leges capere licuisset. Cic. pr. Lege Manil. 21.

“ decreed, that their Prætor *C. Clau-*
 “ *dus* should provide laws for them
 “ accordingly ; in which laws many
 “ things, he says, were enacted, con-
 “ cerning their age ; that none, under
 “ thirty years ; none, who exercised
 “ any trade ; none, who had not an
 “ estate to a certain value, should be
 “ capable of the Senate.” *Scipio* like-
 wise, as he tells us, gave laws of the
 same kind, and with the same clauses
 in them, to the people of *Agrigentum*
 [*m*] : and lastly, *Pliny* mentions a law
 of *Pompey the Great*, given on a like
 occasion to the *Bithynians*, importing,
 “ that none should hold any magi-
 “ stracy, or be admitted into their Se-
 “ nate, under the age of thirty ; and
 “ that all, who had born a magistra-
 “ cy, should be of course in the Se-

[*m*] *C. Claudius*—leges Halesinis dedit : in quibus multa sanxit de ætate hominum, ne qui minor triginta annis natu, &c.

Agrigentini de Senatu cooptando, *Scipionis* leges antiquas habent. in quibus & eadem illa Sancta sunt, &c. In. Verr. 2. 49.

“ nate.”

“nate [*n*].” All which clauses clearly indicate, from what source they were derived, and shew, what every one would readily imagine, that a Roman magistrate would naturally give them Roman laws.

Cicero says, that the laws concerning the age of magistrates were not very ancient; and were made, to check the forward ambition of the nobles, and to put all the citizens upon a level in the pursuit of honors [*o*]: and *Livy* tells us, that *L. Villius*, a Tribune of the people, was the first, who introduced them, A. U. 573, and acquired by it the surname of *Annalis* [*p*]:

H 2

But

[*n*] Cautum est, Domine, Pompeii lege, quæ Bithynis data est, nequis capiat magistratum, neve sit in Senatu, qui minor annis xxx sit. & ut qui ceperint magistratum, sint in Senatu. Ad Trajan. Ep. l. x. 83.

Gravissimum autem est, cum superior factus sit ordine, inferiorem esse fortuna. Fam. 13. 5.

[*o*] Itaque majores nostri, veteres illi admodum antiqui, leges annales non habebant. &c. Phil. 5. 17.

[*p*] Eo anno rogatio primum lata est ab *L. Villio*, Tribuno plebis, quot annos nati quemque magistratum

But long before this, we find an intimation of some laws or customs of that kind, subsisting in *Rome*: and in the very infancy of the Republic, when the Tribuns were first created, the Consuls declared in the Senate, that they would shortly correct the petulance of the young nobles, *by a law, which they had prepared, to settle the age of the Senators* [q].

There was another qualification also required, as necessary to a Senator; *an estate*, proper to support his rank; the proportion of which was settled by the law: but I do not any where find, when this was first instituted, nor even what it was, in any author before *Suetonius*; from whom we may collect, that it was settled at *eight hun-*

gistratum peterent, caperentque. inde cognomen familiæ inditum, ut Annales appellarentur. Lib. 40. 44.

[q] Ἀλλὰ καὶ εἰς τὸ λοιπὸν ἀνείρξομεν αὐτῶν ἀκροσμίαν νόμῳ, τάξαντες ἀριθμὸν ἐτῶν ὃν δεήσει τὰς βαλεύοντας ἔχειν. Dionys. l. 6. 66.

Senatorium gradum census adscendere fecit.

dred sestertia, before the reign of *Augustus* [r]: which are computed to amount to between *six and seven thousand pounds* of our money; and must not be taken, as it is by some, for an annual income, but the whole estate of a Senator, real and personal, as estimated by the survey and valuation of the Censors.

This proportion of wealth may seem perhaps too low, and unequal to the high rank and dignity of a Roman Senator; but it must be considered only as the lowest, to which they could be reduced: for whenever they sunk below it, they forfeited their seats in the Senate. But as low as it now appears, it was certainly sufficient, at the time when it was first settled, to maintain a Senator suitably to his character, without the necessity of recurring to

[r] *Senatorum censum ampliavit; [Augustus] ac pro octingentorum millium summa, duodecies H S taxavit, supplevitque non habentibus. Sueton. in Aug. c. 41.*

any trade or sordid arts of gain, which were likewise prohibited to him by the laws [s]. But the constitution itself does not seem to have been very ancient; for we may easily imagine, that in those earlier days, when the chief

[s] Invisus Patribus ob novam legem, quam Q. Claudius Trib. pl. adversus Senatum, uno Patrum adjuvante, C. Flaminius, tulerat, ne quis Senator, quive Senatoris pater fuisset, maritimam navem, quæ plus quam trecentarum amphorarum esset, haberet. id satis habitum ad fructus ex agris vectandos. quæstus omnis Patribus indecorus visus. Liv. 21. 63. Noli metuere, Hortensi, ne quæram, qui licuerit navem ædificare Senatori. Cic. Verr. 5. 18.

N. B. It is certain, that the Senators generally possessed a much larger proportion of wealth, than what is computed above: for in the fifth year of the second Punic war, A. U. 539. it was decreed by the Senate, that every citizen, who, at the preceding Census, or general taxation of the city, was found to be worth from 400 l. to 800 l. of our money, should furnish one sailor with six months pay towards manning the fleet; that those, who were rated from 800 l. to 2400 l. should furnish three sailors, with a year's pay; that those, who were rated from 2400, to 8000 l. should furnish five sailors; that all, who were rated above that sum, should furnish seven; and that all Senators should furnish eight, with a year's pay. Liv. 24. 11.

magistrate

magistrate was sometimes *taken from the plough* [t], and *Corn. Rufinus*, who had been *Dictator and twice Consul*, was expelled the Senate by *C. Fabricius* the Cenfor, A. U. 477, because he had *ten pounds of silver plate in his house* [v], no particular preference could be given to wealth in the choice of a Senator: and we find *Pliny* accordingly lamenting the unhappy change, *when their Senators, their Judges, and their Magistrates came to be chosen by the value of their estates, since from that moment, all regard began to be lost for every thing, that was truly estimable and laudable in life* [x]. This qualification of a

[t] Si illis temporibus natus esses, cum ab aratro arcesserentur, qui Consules fierent. Cic. pr. Rosc. Amer. 18.

[v] Ab eo Cornelium Rufinum duobus Consulatus & Dictatura speciosissime functum, quod decem pondo argentea vasa comparasset, in ordine Senatorio retentum non esse.—Val. Max. l. 2. 9. A. Gall. 17. 21.

[x] Postquam Senator censu legi cœptus—pessumiere vitæ prætia—Plin. Præem. in lib. 14. Hist. N.

Senatorian estate is referred to by *Cicero* in one of his letters, written in the time of *J. Cæsar*'s administration, where he begs of one of his friends then in power, “not to suffer certain
“lands of *Curtius*, to be taken from
“him for the use of the soldiers, because without that estate, *he could*
“*not hold the rank of a Senator*, to
“which *Cæsar* himself had advanced
“him [*y*].”

It appears, from what has been dropt in the course of this argument, that there was some law also subsisting from the earliest times, concerning the extraction and descent of Senators; in-joining, that it should always be ingenuous; and as their morals were to be clear from all vice, so their birth likewise, from any stain of base blood: in consequence of which, when *Appius Claudius*, in his Censorship, attempted

[*y*] Hoc autem tempore eum Cæsar in Senatum legit: quem ordinem ille, ista possessione amissa, vix tueri potest. Ep. Fam. 13. 5.

to introduce *the grandsons of freed slaves* into the Senate, they were all, as we have seen above, immediately turned out again. For the *Romans* were so particularly careful, to preserve even their common citizens from any mixture of servile blood, that they prohibited all marriages between them and freed slaves, or their children : and it was decreed, as a special privilege and reward to one *Hispala*, of *libertine condition*, for her discovery of the impieties of the *Bacchanalian mysteries*, that a citizen might take her to wife, without any disgrace and diminution of his rights [z]. These distinctions indeed began to be disregarded towards the end of the Republic, with respect to the ordinary citizens, but were kept up to the last, with regard to the Senate. For *Cn. Lentulus* in his Censorship abovementioned, turned *Popilius*

[z] Utique ei ingenuo nubere liceret. neu quid ei qui eam duxisset, ob id fraudi ignominiaëve esset. Liv. 39. 19.

out of the Senate, because *his grandfather was a slave* made free: yet he allowed him his rank at the public shews, with all the outward ornaments of a Senator [*a*]: and the *Papian* law, made in the end of *Augustus's* reign, permits all the citizens, excepting *Senators and their children*, to take wives of *libertine condition* [*b*].

These were some of the laws, by which the Censors were obliged to act, in the enrollment of the new, or the omission of old Senators: and when we read of any left out, without an intimation of their crime, it might probably be, for the want of one or other of these legal or customary qualifications.

The Censors continued in their office for eighteen months, and if we suppose them to have been created one-

[*a*] Nam Popillium, quod erat Libertini filius, in Senatum non legit: locum quidem Senatorium ludis, & cetera ornamenta reliquit; & eum omni ignominia liberat. Cic. pr. Cluen. 47.

[*b*] Vid. Pighii Annal. A. U. 761.

ly every five years, the office must lie dormant for three years and an half. This is agreeable to what the generality of writers have delivered to us of the Censur; that it was celebrated every *fifth year*: and as it was accompanied always by a *lustration* of the people, so the word, *Lustrum*, has constantly been taken, both by the ancients and moderns, for a term of *five years*. Yet if we inquire into the real state of the case, we shall find no good ground for fixing so precise a signification to it; but on the contrary, that *the Censur and Lustrum* were, for the most part, held irregularly and uncertainly, at very different and various intervals of time, as the particular exigencies of the state required. This is evident, not onely from the testimonies of the old writers, but from authentic records and monuments of the fact, *the Old Fasti*, inscribed on marble, and still preserved in the *Capitol of Rome*; exhibiting a succession of the Roman

magistrates, with a summary of their acts, from the earliest ages of the Republic.

For example, *Servius Tullius*, who first instituted the Censur and Lustrum, and afterwards held four of them, began to reign A. U. 175, and reigned forty four years. *Tarquinius Superbus*, who succeeded him, held no Censur at all.

The Consuls *P. Valerius* and *T. Lucretius* revived the institution of *Servius*, and held the fifth Censur A. U. 245, and the Capitoline marbles, which are defective through the seven first Lustrums, mark the eighth to have happened A. U. 279, so that the three first, which were held by the Consuls, carry us through an interval of thirty four years.

The Censors were created A. U. 311, in which year they celebrated the eleventh Lustrum; which gives also near the same interval to the
three

three last, which had been held by the Consuls.

The twentieth Lustrum, according to the Capitoline marbles, falls A. U. 390: whence we see, that under the Censors, who were created for the very purpose, of administering the Census and Lustrations of the people, yet the nine first of their Lustrums, one with another, take up each of them very near nine years.

The last Lustrum, during the liberty of the Republic, was held by the Censors *Appius Claudius* and *L. Piso*, A. U. 703, and was the seventy first: so that if we compute from the eleventh, or the first held by the Censors, to the last by *Appius Claudius*, the intervening sixty will each of them contain about six years and an half.

This is the real state of the case, as it is deduced from the most authentic records: from which we see, that tho' time and custom have fixed the notion

of a Quinquennium or term of five years, to the word, Lustrum, yet there is no sufficient ground for it in fact or the nature of the thing.

I have now drawn out every thing, which I took to have any relation to my subject, or to be of any use towards illustrating the genuin state of the Roman Senate, from it's first institution, to the oppression of it's liberty: and am persuaded, if I do not flatter myself too much, that through every period of it's history, under the *Kings, the Consuls, and the Censors*, I have traced out from the best authorities, one uniform scheme of the people's power and absolute right over this affair, from one end to the other. But as I began my argument with the same notion, with which I now end it, so it is possible, that, like all others, who set out with an hypothesis, I might perhaps have a kind of bias upon me, without being sensible of it myself; so as to have given a greater force to
some

some facts, than they will easily bear, in order to draw them to my particular sense. If this be the case, as I am sure, that it will not escape your Lordship's observation, so I shall have a pleasure to be corrected by your less biaſſed judgment ; ſince in this, as well as in all my other inquiries, truth is the onely fruit that I ſeek, or deſire to reap from my labor.



1875
The following is a list of the names of the persons who have been elected to the office of the President of the United States since the year 1789. The names are given in alphabetical order, and the year of election is given in parentheses. The names are given in the order in which they were elected, and the year of election is given in parentheses.

George Washington (1789)
John Adams (1796)
Thomas Jefferson (1800)
James Madison (1808)
James Monroe (1816)
John Quincy Adams (1824)
Andrew Jackson (1828)
Martin Van Buren (1836)
Franklin Pierce (1852)
Abraham Lincoln (1860)
Ulysses S. Grant (1868)
Rutherford B. Hayes (1876)
James A. Garfield (1880)
Chester A. Arthur (1881)
Grover Cleveland (1885)
Benjamin Harrison (1889)
William McKinley (1896)
Theodore Roosevelt (1901)
William Howard Taft (1908)
Woodrow Wilson (1912)
Calvin Coolidge (1923)
Herbert Hoover (1929)
Franklin D. Roosevelt (1932)
Dwight D. Eisenhower (1952)
John F. Kennedy (1960)
Lyndon B. Johnson (1964)
Richard M. Nixon (1968)
Jimmy Carter (1976)
Ronald Reagan (1980)
George H. W. Bush (1988)
Bill Clinton (1992)
George W. Bush (2001)
Barack Obama (2008)
Donald Trump (2016)

A

T R E A T I S E
O N T H E
R O M A N S E N A T E.
P A R T the S E C O N D.

WHAT I have hitherto been disputing on the subject of the Roman Senate, was designed onely, to explaine the method of creating Senators, or filling up the vacancies of that body. But as that reaches no farther than to it's exterior form, so the reader may probably wish, that, before I dismiss the argument, I would introduce him likewise into the inside of it, and give him a view of their manner of proceeding within doors; which might enable him to
I form

form a more adæquate idea of an assembly of men, which was unquestionably the noblest, and most august, that the world has ever seen, or ever will see; till another empire arise, as widely extended, and as wisely constituted, as that of *Old Rome*. For this purpose, I have drawn out into this second part, and distributed under proper heads, whatever I had collected on that subject from my own observation; which I have taken care to support and enlarge every where, as there was occasion, from the more copious collections of *P. Manutius* and *C. Sigonius*, who, of all the moderns, seem to have had the most exact, as well as the most extensive knowledge of the affairs of ancient *Rome*. I have not however been a mere compiler, or translator of the works of those learned men, but while I make a free use of them, have taken a liberty, to which every one has a right, who draws from the same original authorities, of differ-

ing from them in several points, about the force and application of those authorities. But before I enter into a description of the forms and methods of proceeding in the Roman Senate, I think it necessary in the first place, to give a summary account of their power and jurisdiction, in order to shew, what a share they really had in the administration of the government, and on what important affairs their deliberations were employed.

S E C T. I.

Of the power and jurisdiction of the Roman Senate.

I HAVE already shewn, how by the original constitution of the government, even under the Kings, the collective body of the people was the real sovereign of *Rome*, and the dernier resort in all cases. But their power, though supreme and final, was

yet qualified by this check, that they could not regularly enact any thing, *which had not been previously considered, and approved by the Senate* [a]. This was the foundation of the Senatorian power, as we find it set forth, in one of their first decrees, concerning the choice of a King, where it is declared, *that an election made by the people should be valid; provided, that it was made with the authority of the Senate* [b]: and not onely in this case, but in all others, the same rule was observed for many ages; and when

[a] Δύνασθε δὲ αὖ καὶ αὐτοὶ τῷτο μαρτυρεῖν, ὅτι ἐξ ἧς τήνδε τὴν πόλιν ἐκτίσαν ὑμῶν οἱ πρόγονοι τῷτο τὸ γέρας ἔχασα ἢ βαλὴ διατέλεκεν, καὶ ἔθεν πῶποτε ὁ δῆμος ὅτι μὴ προβαλέουσιεν ἢ βαλὴ, ἔτε ἐπέκρινεν, ἔτε ἐπεψήφισεν, ἔχ ὅτι νῦν, ἀλλ' ἔδε ἐπὶ τῶν βασιλείων. Dionys. Hal. l. 7. 38. Edit. Oxon.

[b] Patres-decreverunt, ut cum populus regem jussisset, id sic ratum esset, si Patres auctores fierent. &c. Liv. i. 17.

Numam Pompiliū—populi jussu, Patribus auctoribus Romæ regnasse. Id. 4. 3.

Inde Tullum Hostiliū—Regem populus jussit, Patres auctores facti. Id. i. 22. Tum enim non gerebat is magistratum, qui ceperat, si Patres auctores non erant facti. Cic. pr. Plancio 3.

one of the Tribuns, in contempt of it, ventured to propound a law to the people, on which the Senate had not first been consulted, all his Collegues interposed and declared, that *they would not suffer any thing to be offered to the suffrage of the citizens, till the fathers had passed a judgment upon it* [c]. And this indeed continued to be the general way of proceeding in all quiet and regular times, from the beginning of the Republic to the end of it: and the constant stile of the old writers, in their accounts of the public transactions is, that the Senate *voted or decreed*, and the people *commanded* such and such an act [d].

Since nothing therefore, which related to the government, could be

[c] Per intercessionem Collegarum, qui nullum Plebiscitum, nisi ex auctoritate Senatus, se perferri passuros ostenderunt, discussum est. Id. 4. 49.

[d] Senatus eam pacem servandam censuit, & paucos post dies, populus jussit. Id. 37. 55.

Ex auctoritate Patrum, jussu populi, bellum Faliscis indictum est. Id. x. 45.

brought before the people, till it had been examined by the Senate, so on many occasions, where haste perhaps or secrecy was required, and where the determinations of the Senate were so just and equitable, that the consent of the people might be presumed and taken for granted, the Senate would naturally omit the trouble, of calling them from their private affairs, to an unnecessary attendance on the public ; till by repeated omissions of this kind, begun at first in trivial matters, and proceeding insensibly to more serious, they acquired a special jurisdiction and cognizance in many points of great importance, to the exclusion even of the people ; who yet, by the laws and constitution of the government, had the absolute dominion over all. For example ;

1. They assumed to themselves the guardianship and superintendence of the public religion ; so that no new God could be introduced, nor Altar erected,

erected, nor the Sibylline books consulted, without their express order [*e*].

2. They held it as their prerogative, to settle the number and condition of the foreign provinces, that were annually assigned to the magistrates, and to declare, which of them should be Consular and which Prætorian provinces [*f*].

3. They had the distribution of the public treasure, and all the expences of the government; the appointment of stipends to their generals, with the

[*e*] Ex auctoritate Senatus latum ad populum est, nequis Templum aramve injussu Senatus aut Tribunorum-pl. majoris partis dedicaret. Liv. 9. 46.

Vetus erat decretum, ne qui Deus ab Imperatore consecraretur, nisi a Senatu probatus. ut M. Æmilius de suo Alburno. Tertull. Apol. 5.

Quamobrem Sibyllam quidem sepositam habeamus, ut injussu Senatus ne legantur quidem libri. Cic. de Div. 54.

Quoties Senatus Decemviros ad libros ire jussit? ib. 1. 48.

[*f*] Tu Provincias Consulares—quas C. Gracchus non modo non abstulit ab Senatu, sed etiam ut necesse esset, quotannis constitui per Senatum, lege sanxit. Cic. pr. Dom. 9. Vid. in Vatin. 15.

number of their lieutenants and their troops, and of the provisions and cloathing of their armies [g].

4. They nominated all embassadors sent from *Rome*, out of their own body, and received and dismissed all, who came from foreign states, with such answers as they thought proper [b].

5. They had the right of decreeing all supplications or public thanksgivings, for victories obtained, and of conferring the honor of an ovation or triumph, with the title of Emperor on their victorious generals [i].

6. It

[g] Καὶ μὲν ἡ σύγκλητος πρῶτον μὲν ἔχει τὴν τῷ ταμείῳ κυρίαν. καὶ γὰρ τῆς εἰσόδου πάσης αὐτὴ κρατεῖ, καὶ τῆς ἐξόδου παραπλησίως. Polyb. l. 6. 461.

Ἄνευ δὲ τῆς συγκλήτου βελημίᾳ, ἔτε σιτῶ, ἔτε ἱμάτισμα, ἔτε ὀψώνια δύναιται χορηγεῖσθαι τοῖς στρατοπέδοις, &c. id. 463. Senatus, in augustiis ærarii, Cæsaris exercitum stipendio affectit. Cic. pr. Balb. 27.

[b] Ne hoc quidem Senatus relinquebas, quod nemo unquam ademit, ut Legati ex ejus ordinis auctoritate legarentur—quis Legatos unquam audivit sine Senatus consulto? in Vatin. 15. Vid. Polyb. 461.

[i] Senatus in quatrimum, quod nullo ante bello supplicationes decernit. Liv. 5. 23. etenim cui viginti

6. It was their province, to inquire into public crimes or treasons either in *Rome* or the other parts of *Italy*; and to hear and determine all disputes among the allied and dependent cities [k].

7. They exercised a power, not only of interpreting the laws, but of absolving men from the obligation of them, and even of abrogating them [l].

8. In

ginti his annis supplicatio decreta est, ut non Imperator appellaretur? Cic. Phil. 14. 4, 5.

Τὰς γὰρ προσαγορευομένους παρ' αὐτοῖς θριάμβους—τέλεις ἐδύναται χειρίζειν ὡς πρέπει, ποτὲ δὲ τὸ παράπαν ἐδὲ συνελεῖν, εἰ μὴ τὸ συνέδριον συγκαλέσθῃ. Polyb. ibid.

[k] Ὁμοίως καὶ ὅσα τῶν ἀδικημάτων τῶν κατ' Ἰταλίαν προσδεῖλας δημοσίαι ἐπισκέψεως—τῇ συγκλήτῳ μέλει περὶ τῶν. Polyb. 461.

Consulem—res in Etruria tenuerunt, quæstiones ex S. C^o, de conjurationibus principum habentem. Liv. 30. 26. Q. Fabium Labeonem arbitrum Nolanis & Neapolitanis de finibus agri a Senatu datum. Cic. Off. 1. x.

[l] Senatus quidem, cujus est gravissimum judicium de jure legum. [Cic. pr. Dom. 27.] Quatuor omnino genera sunt, in quibus per Senatum, more majorum, statuatur aliquid de legibus. unum est ejusmodi, placere legem abrogari—Alterum, quæ lex lata

8. In the case of civil dissensions or dangerous tumults within the city, they could arm the Consuls by a vote with absolute power, to destroy and put to death, without the formality of a trial, all such citizens, as were concerned in exciting them [*m*].

9. They had a power, to prorogue or postpone the assemblies of the people; to decree the title of King, to any Prince, whom they pleased; thanks and praise, to those, who had deserved them; pardon and reward, to enemies or the discoverers of any treason; to declare any one an enemy by a vote; and

lata esse dicatur, ea non videri populum teneri. pr. Cornel. 1. vid. Cic. pr. leg. Manil. 21. de Pompeio legibus ex Senatus consulto soluto. De Scipionibus legibus solutis. Val. Max. 8. 15. it. Cic. Phil. 5.

[*m*] Senatus decrevit, darent operam Consules, nequid detrimenti Respub. caperet. ea potestas per Senatum, more majorum, Magistratui maxima permittitur: exercitum parare, bellum gerere, coercere omnibus modis socios atque cives: domi militiæque imperium judiciumque summum habere: aliter sine populi jussu nulli earum rerum Consuli jus est. Salust. de Bell. Catilin. 29. Cic. in Cat. 1. xi.

and to prescribe a general change of habit to the city, in cases of any imminent danger or calamity [*n*].

These were the principal articles, in which the Senate had constantly exercised a peculiar jurisdiction, exclusive of the people; not grounded on any express law, but the custom only and practice of their ancestors, derived to them from the earliest ages. And as this was found by long experience, to be the most usefull way of administering the public affairs, and the most conducive to the general peace and prosperity of the city, so it was suffered by the tacit consent of the

[*n*] Comitia dilata ex Senatus consulto. [Cic. Ep. ad Att. 4. 16.] Meministis fieri S. C. me referente, ne postero die Comitia haberentur. [Cic. pr. Mur. 25.]

Is Rex [Deiotarus] quem Senatus hoc nomine sæpe appellavisset [pr. Deiot. 3.]

De Masinissa Rege appellato. Vid. Liv. 30. 17. De præmiis indicibus decretis.

Vid. Sallust. Bell. Cat. 30. Cic. in Cat. 4. 3. 3. 4. De Dolabella hoste judicato. Phil. xi. 12.

De Lepido, Ep. Fam. 12. x. Senatus frequens vestem pro mea salute mutandam censuit. pr. Sext. 12.

people,

people, to continue in the hands of the Senate, as a matter of convenience, rather than of right, and connived at, rather than granted, for the sake of the common good [o].

But whenever any bold Tribun, or factious magistrate, not content with the honors of the city in the usual forms, nor with such, as the Senate was disposed to confer upon him, chose to apply to the people for some extraordinary grant of them, the citizens were frequently induced, by the artifices of such leaders, to seize into their own hands several branches of that jurisdiction, which I have been describing, and which had always been administered before by the Senate. And after this method was once introduced and found to be effectual, it became by degrees the common recourse of all, who, for the advancement of their pri-

[o] Cui populus ipse moderandi & regendi sui potestatem, quasi quasdam habenas, tradidisset. Cic. de Orat. 1. 52.

vate ambition, affected the character of popularity ; and was pushed so far at last, as to deprive the Senate in effect of all it's power and influence in the state.

For in the first place, the Tribuns soon snatched from them that original right, which they had enjoyed from the very foundation of the city, of being the authors or first movers of every thing, which was to be enacted by the people ; and excluded them from any share or influence in the assemblies of their tribes [*p*] : and tho' in the other assemblies of the *Curiae* and *the Centuries*, they seemed to have reserved to them their ancient right, yet it was reduced to a mere form, without any real force : for instead of being, what they had always been, the authors of each particular act, that was to be proposed

[*p*] Vid. Dionys. Hal. l. 41, 49.

Quod Patres apud majores nostros non tenere potuerunt, ut reprehensores essent comitiorum. Cic. pr. Planc. 3.

to the people's deliberation, they were obliged by a special law, to authorise every assembly of the people, and whatever should be determined in it, even *before the people had proceeded to any vote* [q]: and *C. Gracchus* afterwards, in his famous Tribunate, used to boast, *that he had demolished the Senate at once*, by transferring to the Equestrian order, *the right of judicature in all criminal causes*, which the Senate had possessed from the time of the Kings [r].

But no man ever insulted their authority more openly, or reduced it so low, as *J. Cæsar*: who instead of expecting from the Senate, as the practice had always been, the assignment of a

[q] Q. Publilii Philonis Dictatura popularis. quod tres leges secundissimas plebi, adversas nobilitati tulit. unam, ut plebiscita omnes Quirites tenerent: alteram, ut legum, quæ Comitibus Centuriatis ferrentur, ante initum suffragium Patres auctores fierent. Liv. 8. 12.

[r] "Ὅτι ἀθρόως τὴν βουλὴν καθήρτισεν. Appian. de Bell. Civ. l. 1.

provincial

provincial government, at the expiration of his Consulship, applied himself directly to the people ; and by the help of the Tribun, *Vatinius*, procured from them a law, by which the provinces of *Illyricum* and the *Cisalpine Gaul* were conferred upon him *for the term of five years*, with a large appointment of money and troops ; which so shocked the Senate, and was thought so fatal to their authority, that lest it should become a precedent by being repeated, they thought fit, of their own accord, to add to the two provinces already granted to him, the government also of the *Transalpine Gaul*, which he was understood still to desire, that they might prevent him from making a second application to the people [s]. It was in these days of faction and vio-

[s] Et initio quidem Galliam Cisalpinam, Illyrico adjecto, lege Vatinia accepit : mox per Senatum, Comatam quoque ; veritis Patribus, ne si ipsi negassent, populus & hanc darat. Suet. J. Cæs. c. 22. Plutar. p. 714.

lence, promoted chiefly by *Cæsar*, in the first Triumvirate, that a profligate Consul, *Gabinus*, in a public speech to the people, had the insolence to declare, *that men were mistaken, if they imagined, that the Senate had then any share of power or influence in the Republic* [t]. But in all these insults on the authority of the Senate, though the honest of all ranks loudly inveighed against them, and detested the authors of them, as men of dangerous views, who aspired to powers, that threatened the liberty of the city ; yet none ever pretended to say, that the acts themselves were illegal ; or that the people had not a clear right, by the very constitution of the Republic, to command and enact whatever they judged expedient.

[t] Habet talem orationem Consul, qualem nunquam Catilina victor habuisset ; errare homines, si etiam tum Senatum aliquid in Repub. posse arbitrantur. Cic. pr. Sext. 12.

S E C T. II.

*Of the right and manner of summoning
or calling the Senate together.*

THE right of convoking the Senate on all occasions, belonged of course to the Consuls, as the supreme magistrates of the city [v]: which in their absence devolved regularly to the next magistrates in dignity, the Prætors, and the Tribuns [x]. But these last, as I have elsewhere observed, by virtue of their office, clam-

[v] What is here said, of the proper right of the Consuls to summon the Senate, must be understood likewise of all those other magistrates, who were created on extraordinary occasions with supreme power, in the place or absence of the Consuls: as, the *Dictator*, *Military Tribuns*, *Decemviri*, *Interrex*, *Præfect of the city*. Vid. A. Gell. 14. 7.

[x] Placuit nobis, ut statim ad Cornutum, Præto-
torem urb. litteras deferremus; qui, quod Consules
aberant, Consulare munus sustinebat, more majorum.
Senatus est continuo convocatus.—Cic. Ep. Fam.
x. 12.

ed and exercised a power of summoning the Senate at any time, whenever the affairs of the people required it, though the Consuls themselves were in the city [y]. Yet, out of deference to the Consular authority, the Senate was but rarely called; when they were abroad, unless in cases of sudden emergency, which required some present resolution [z].

In the early ages of the Republic, when the precincts of the city were small, the Senators were personally summoned by an Apparitor [a]: and sometimes by a public Crier, when their affairs required an immediate dis-

[y] Οἱ δὲ τότε δήμαρχοι πρῶτοι συγκαλεῖν ἐπεβάλλοντο τὴν βουλὴν. Dionys. x. 31.

Cum Tribuni pl. edixissent, Senatus adesset. a. d. xiii. Kal. Jan. Cic. Ep. Fam. xi. 6. it. x. 28.

[z] Senatus sæpius pro tua dignitate appellaretur, si absentibus Consulibus unquam, nisi ad rem novam cogeretur. Cic. ibid. 12. 28. Liv. 30. 23.

[a] A Villa in Senatum arcessébantur & Curius & ceteri Senes: ex quo, qui eos arcessébant, viatores nominati sunt. Cic. de Sen. 16.

patch [b]. But the usual way of calling them in later days, was by an edict, appointing the time and place, and published several days before, that the notice might be more public [c]. These edicts were commonly understood to reach no farther than to those, who were resident in *Rome*, or near it; yet when any extraordinary affair was in agitation, they seem to have been published also in the other cities of *Italy* [d]. If any Senator refused or neglected to obey this summons, the Consul could oblige him to give surety, for the payment of a certain fine, if the reasons of his absence

[b] Postquam audita vox in Foro præconis, Patres in Curiam ad Decemviros vocantis, &c. Liv. 3. 38. Ὅπῃμιτι τὴν βελὴν διὰ κηρύκων συνεκάλει. App. Bell. Civ. 1.

[c] Cum tot edicta proposuisset Antonius, (Consul) edixit, ut adesset Senatus frequens a. d. viii. Kal. Dec.—in ante diem. iv. Kal. distulit. Cic. Phil. 3. 8.

[d] Senatum etiam Kalendis velle se frequentem adesse, etiam Formiis proscribi jussit. Cic. de J. Cæsare, ad Att. 9. 17.

should not be allowed [*e*]. But from sixty years of age, they were not liable to that penalty, nor obliged to any attendance, but what was voluntary [*f*]. In ancient times, as *Valerius* writes, “ the Senators were so vigilant
 “ and attentive to the care of the
 “ public, that, without waiting for an
 “ edict, they used to meet constantly
 “ of themselves, in a certain portico, adjoining to the Senate house,
 “ whence they could presently be called into it, as soon as the Consul
 “ came; esteeming it scarce worthy
 “ of praise, to perform their duty to

[*e*] Postquam citati non conveniebant, dimissi circa domos Apparitores ad pignora capienda. Liv. 3. 38. Quis unquam tanto damno Senatorem coegit? aut quid est ultra, præter pignus & mulctam? Cic. Phil. 1. 5.

[*f*] Lex a sexagesimo anno Senatorem non citat. Senec. de Brev. vit. 20. But *Seneca* the father tells us, that their absence was excused onely from the *sixty fifth* year of their age, which seems most probable. Controv. Ult. l. 1. Senator post annum sexagesimum quintum in Curiam venire nec cogitur nec vetatur.

“ their

“ their country, by command onely,
“ and not of their own accord [g].”

S E C T. III.

*Of the place in which the Senate used
to meet.*

THE Senate could not regularly be assembled in any private or profane place ; but always in one set apart, and *solemnly consecrated to that use, by the rites of augury* [b]. There were several of these in different parts of the city, which are mentioned occasionally by the old writers, as places, in which the Senate usually met ; as they happened to be appointed by different Consuls, agreeably either to their own particular convenience, or

[g] Val. Max. 1. 2. 2. 6.

[b] Docuit confirmavitque (Varro) nisi in loco per Augures constituto, quod Templum appellaretur, Senatus consultum factum esset, justum id non fuisse. A. Gell. 14. 7.

to that of the Senate in general, or to the nature of the business, which was to be transacted. These Senate houses were called *Curia*, as the *Curia Calabra*, said to be built by *Romulus*; the *Curia Hostilia*, by *Tullus Hostilius*; and the *Curia Pompeia*, by *Pompey the Great* [i].

But the meetings of the Senate were more commonly held in certain temples, dedicated to particular Deities; as in that of *Jupiter*, *Apollo*, *Mars*, *Vulcan*, *Castor*, *Bellona*; of *Concord*, *Faith*, *Virtue*, *the Earth*, &c. For we find all these particularly celebrated by the ancients, as places, where the Senate was frequently assembled: all which had Altars and Images erected in them, for the peculiar worship of those Deities, whose names they bore:

[i] Juxta Curiam Calabram, quæ Casæ Romuli proxima est. Macr. Sat. 1. 15.

Quod cum Senatus de his rebus in Curia Hostilia haberetur. Liv. 5. 55.

Postquam Senatus Idib. Mart. in Curiam Pompeii edictus est. Suet. J. Cæs. 80.

yet these Temples, on account of the use, which the Senate made of them, were called likewise *Curiaë*; as well as the proper *Curiaë*, or Senate houses, on account of their solemn dedication, are frequently called *Temples* [*k*]: For the word Temple, in it's primary sense, signified nothing more, than a place set apart, and consecrated by the Augurs; whether inclosed or open; in the city, or in the fields. Agreeably to which notion, the Senate used to meet on some occasions in the open air; and especially whenever a report was made to them in form, that *an ox had spoken*; which prodigy, as *Pli-*

[*k*] Propterea & in Curia Hostilia & Pompeia—quum profana ea loca fuissent, templa esse per Augures constituta, ut in iis Senatus consulta, more majorum, juxta fieri possent. A. Gell. 14. 7.

Qui—Curiam incenderit?—Templum sanctitatis, amplitudinis, mentis, consilii publici —[Cic. pr. Mil. 33.] Cum Senatus in Curiam, hoc est, Ædem Concordiæ, Templumque inauguratum convenisset. Lamprid. Alex. Sev. c. 6.

ny tells us, was common in the earlier ages [1].

The view of the government, in appropriating these Temples to the use of the Senate, was, to imprint the more strongly on the minds of it's members, the obligation of acting justly and religiously, from the sanctity of the place, and the presence, as it were, of their Gods. Thus one of the Censors removed the statue of *Concord*, from a part of the city, in which it was first erected, into the Senate house, which he dedicated to that Goddess; imagining, as *Cicero* tells us, *that he should banish all love of dissension, from that seat and temple of the public council, which he had devoted by that means*

[1] In hoc tumultu Flaccus inter Æsquilinam Collinamque portam posuit castra. Consules Senatusque in castra venerunt. Liv. 26. 10.

Est frequens in prodigiis priscorum, bovem locutum: quo nuntiato, Senatum sub divo haberi solitum. Plin. Hist. N. 8. 45.

to the religion of Concord [m]. The case was the same with the Temples of the other Goddeſſes, in which the Senate often met; of *Bellona*, *Faith*, *Virtue*, *Honor*; that the very place might admoniſh them, of the reverence due to thoſe particular virtues, which their anceſtors had deified for the ſake of their excellence: and it was to ſtrengthen this principle and ſenſe of religion in them, that *Augustus* afterwards enjoined, that every Senator, before he ſat down in his place, ſhould ſupplicate that God, in whoſe Temple they were aſſembled, with incenſe and wine [n].

The Senate, on two ſpecial occaſions, was always held without the gates of *Rome*, either in the Temple of *Bellona*,

[m] Præſcribere enim ſe arbitrabatur, ut ſine ſtudiis diſſenſionis ſententiæ dicerentur, ſi ſedem ipſam ac Templum publici conſilii religione Concordiæ devinxiffet. Cic. pr. Dom. 51.

[n] Quo autem lecti probatique & religioſius & minore moleſtia, Senatoria munera fungerentur, ſanxit, ut prius, quam conſideret quiſque, thure ac mero ſupplicaret apud aram ejus Dei, in cujus Templo coiretur. Suet. Aug. c. 35.

or of *Apollo*. 1st, For the reception of foreign embassadors; and especially of those, who came from enemies, who were not permitted to enter the city. 2dly, To give audience and transact business with their own generals, who were never allowed to come within the walls, as long as their commission subsisted, and they had the actual command of an army [o].

S E C T. IV.

Of the time when the Senate might legally be assembled.

PAULLUS MANUTIUS is of opinion, that there were certain days, on which the Senate might regu-

[o] Legati Nabidis Tyranni Romam venerunt duo. his extra Urbem, in Æde Apollinis Senatus datus est. Liv. 34. 43.

Legati ab Rege Perseo venerunt. eos in oppidum intromitti non placuit, quum jam bellum Regi eorum—Senatus decreffet, & populus jussisset—in Ædem

regularly be assembled, and others, on which it could not : and that these last were called *Comitial* days, and marked under that name in the Kalendars, as days wholly destined and set apart by law, for the assemblies of the people [p]. But *Sigonius* contends, that the Senate might meet on any of those days, unless when the people were actually assembled, and transacting business on them : in proof of which, he brings several testimonies from the old writers, wherein the Senate is said to have been held, not onely on those days, which are marked in the *Fasti*, as *Comitial* ; but on those also, on which the people had been actually

dem Bellonæ in Senatum introducti. Id. 42. 36.

P. Corn. Scipio Consul—postero die quam venit Romam, Senatu in Ædem Bellonæ vocato, quum de rebus a se gestis differuisset, postulavit, ut sibi triumphanti liceret in urbem invehî. Id. 36. 39.

Qui ne triumphaturi quidem intrare Urbem injussu Senatus deberetis : quibusque exercitum victorem reducentibus curia extra muros præberetur. Senec. de Benef. 5. 15.

[p] De Senatu Romano. c. 5.

assem-

assembled, but after their assemblies were dismissed. He observes likewise, that the number of *Comitial* days, as they are marked in the Kalendars, amount in all to *two hundred*: which makes it scarce credible, that either the affairs of the people should necessarily employ so many days, or that the Senate should be precluded from the use of so many in each year: from all which he infers, that the title of *Comitial* denoted such days onely, on which the people might be legally assembled; not such, on which they were of course to be assembled [q].

The truth of the matter seems to be this, that though the days called *Comitial* were regularly destined to the assemblies of the people; yet the Senate also might not onely be convened on the same, after the popular assemblies were dissolved, but had the pow-

[q] Vid. Joh. Sarium Zamosc. de Senatu Rom. l. 2. 7. quem librum Car. Sigonius sub nomine discipuli sui scripsit.

er likewise, whenever they found it expedient, to supersede and postpone the assemblies of the people to another day; and by a particular decree, to authorise their own meetings upon them, for the dispatch of some important affair therein specified [*r*].

The Senate met always of course on the first of *January*, for the inauguration of the new Consuls, who entered into their office on that day: and there are instances, in the ancient writers, of it's being assembled on every other day, except one or two, till after the 15th of the same month; the latter part of which was probably assigned to the assemblies of the peo-

[*r*] Senatus deinde, concilio plebis dimisso, haberi coeptus. Liv. 38. 53: 39. 39.

M. Marcellus Consul—de ea re ita censuit, uti Consules de iis ad Senatum referrent—utique ejus rei causa per dies Comitiales Senatum haberent, Senatusque consultum facerent. Cic. Ep. Fam. 8. 8.

Meministis fieri Senatus consultum, referente me, ne postero die Comitia haberentur, ut de his rebus in Senatu agere possemus. Cic. pr. Mur. 25.

ple [s]. The month of *February*, generally speaking, was reserved intire by old custom to the Senate, for the particular purpose of giving audience to foreign embassadors [t]. But in all months univerversally, there were three days, which seem to have been more especially destined to the Senate, *the Kalends, Nones, and Ides*, from the frequent examples found in history, of it's being convened on those days. But *Augustus* afterwards enacted, that the Senate should not meet regularly or of course, except on *two days* onely in each month, *the Kalends and Ides* [v]. The Senate was seldom or never held on public festivals, which were dedicated to shews and sports. In the

[s] Vid. Paull. Manut. ibid.

[t] A Kalendis Feb. Legationes in Idus Feb. rejiciebantur. Cic. ad Frat. 2. 3.

Hic est mensis, quo Senatus frequens postulatis provinciarum, & legationibus audiendis datur. Afcon. in Verr. 1. 35. Ep. ad Fra. 2. 12.

[v] Ne plus quam bis in mense legitimus Senatus ageretur, Kalendis & Idibus. Suet. Aug. 35.

month

month of *December*, in which the *Saturnalia* were celebrated for several days successively, *Cicero* giving an account of the debates of the Senate, when two hundred members were present, calls it *a fuller meeting than he thought it possible to have been, when the holy days were commencing* [x].

On their days of meeting, they could not enter upon any business *before the Sun was risen*; nor finish any, *after it was set*. Every thing transacted by them, either before or after that time, was null and void, and the author of it liable to censure [y]: whence it became a standing rule, that nothing new should be moved, *after four a clock in the af-*

[x] Senatus fuit frequentior, quam putabamus esse posse, mense Decembri sub dies festos—sane frequentes fuimus; omnino ad ducentos. Cic. Ep. ad Fr. 2. 1.

[y] Post hæc deinceps dicit, (Varro) Senatus consultum, ante exortum aut post occasum solem factum, ratum non fuisse. Opus etiam Censorium fecisse existimatos, per quos eo tempore S. C. factum esset. A Gell. 14. 7.

ternoon.

ternoon [z]. Cicero therefore reflects on certain decrees, procured by *Antony*, in his Consulship, as being made *too late in the evening*, to have any authority [a].

S E C T. V.

Of the different ranks and orders of men in the Senate, and of the method observed in their deliberations.

THE Senate, as I have shewn above, was composed of all the principal magistrates of the city, and

[z] *Majores nostri novam relationem post horam decimam in Senatu fieri vetabant. Senec. de Tranquillitat. 168. A.*

[a] *Præclara tamen Senatus consulta illo ipso die Vespertina. Cic. Phil. 3. x.*

There is one instance however of the Senate's being assembled at midnight. A. U. 290. upon the arrival of an express from one of the Consuls, to inform the Senate, that he was besieged by the superior forces of the *Æqui and Volsci*, and in danger of being destroyed, with his whole army, without an immediate succour; which was accordingly decreed and sent to him without loss of time. *Dionys. 9. 63.*

of all, who had born the same offices before them: and consisted therefore of several degrees and orders of men, who had each a different rank in it, according to the dignity of the character, which he sustained in the Republic.

At the head of it, sat the two Consuls in chairs of state [*b*]; raised, as we may imagine, by a few steps, above the level of the other benches: out of respect to whose supreme dignity, the whole assembly used to pay the compliment of *rising up* from their seats, as soon as they entered into the Senate house [*c*]. *Manutius* thinks, that the other magistrates sat next to the Consular chair, each according to his rank; the *Prætors*, *Cen-*

[*b*] Non hæc sedes honoris, sella curulis, unquam vacua mortis periculo fuit. Cic. in Cat. 4. 1.

[*c*] Num quisquam tibi, [Consuli] in Curiam venienti assurrexit. in Pis. 12.

sors, Ædiles, Tribuns, Quæstors [d]. But that opinion is grounded onely on conjecture ; since none of the ancients

[d] Vid. Paul. Manut. de Senatu Rom. c. ix.

But since the manner of their sitting can be gathered onely from conjecture, I have been apt rather to think, that the Consular Senators, who, in all ages of the Republic, were the leaders and first speakers in the Senate, used to sit next in order to the Consuls : and after them the *Prætors*, and all who were of *Prætorian* dignity, or had been *Prætors* : then the *Ædiles*, the *Tribuns*, and the *Quæstors*, on distinct benches ; and on the same bench with each, all who had born the same offices : but the Curule magistrates, as the *Prætors* and *Ædiles*, were perhaps distinguished at the head of their several benches, by seats somewhat raised or separated at least from the rest in the form of our Settees, or of that *Longa Cathedra*, which *Juvenal* mentions, to denote their Curule dignity. Sat. 9. 52.

These Senatorian benches were long, so as to hold a great number on each : whence *Pompey* used to call the determinations of the Senate, *the judgement of the long bench*, [Cic. Ep. Fam. 3. 9.] by way of distinction from the shorter benches of the courts of judicature. Some of these benches however appear to have been very short, or not unlike to our stools ; on which each of the ten *Tribuns* perhaps used to sit single : for the Emperor *Claudius*, as *Suetonius* writes, when he had any great affair to propose to the Senate, used to sit upon a *Tribunitian bench*, placed between the Curule chairs of the two Consuls. Suet. Claud. 23.

have

have left us any account of their manner of sitting. This however is certain, that all the private Senators, sat on different benches, and in a different order of precedency, according to the dignity of the magistracies, which they had severally born. First the *Consulars*; then the *Prætorians*, *Ædilitians*, *Tribunitians*, and *Quæstorians*: in which order, and by which titles, they are all enumerated by *Cicero* [e]: and as this was their order in sitting, so it was the same also, in delivering their opinions, when it came to their turn.

But besides these several orders, of which the Senate was composed, there was one member of it distinguished always from the rest, by the title of *Prince of the Senate*: which distinction had been kept up from the very beginning of the Republic; to preserve the shadow of that original form,

[e] Cic. Phil. 13. 13, 14.

established by their founder, *Romulus* ; by which he reserved to himself the nomination of the first or principal Senator, who in the absence of the King, was to preside in that assembly. This title was given of course to that person, whose name was *called over the first* in the roll of the Senate, whenever it was renewed by the Censors. He was always one of Consular and Censorian dignity ; and generally one of the most eminent for probity and wisdom : and the title itself was so highly respected, that he who bore it, was constantly called by it, preferably to that of any other dignity, with which he might happen to be invested [*f*] :
yet

[*f*] P. Lentulum, Principem Senatus. [Cic. Phil. 8. 4.] Cum armatus M. Æmilius, Princeps Senatus in Comitio stetit. pr. Rabir. 7.

After the institution of the Censors, it became a custom to confer this title of *Prince of the Senate*, on the oldest Senator then living, of Censorian dignity : but in the second Punic war, when one of the Censors insisted, that this rule, delivered to them
by

yet there were no peculiar rights annexed to this title, nor any other advantage, except an accession of authority, from the notion, which it would naturally imprint, of a superior merit in those, who bore it.

The Senate being assembled, the Consuls, or the magistrate, by whose authority they were summoned, having first taken the auspices, and performed the usual office of religion, by sacrifice and prayer, used to open to them the reasons of their being called together, and propose the subject of that day's deliberation: in which all things divine, or relating to the worship of the Gods, were dispatched pre-

by their ancestors, ought to be observed, by which *T. Manlius Torquatus* was to be called over the first of the Senate; the other Censor declared, that since the Gods had given to him the particular lot of calling over the Senate, he would follow his own will in it, and call *Q. Fabius Maximus* the first; who by the judgement of *Hannibal* himself, was allowed to be the *Prince of the Roman people*. Liv. 27. xi.

ferably to any other business [g]. When the Consul had moved any point, with intent to have it debated and carried into a decree, and had spoken upon it himself, as long as he thought proper, he proceeded to ask the opinions of the other Senators severally by name, and in their proper order; beginning always with the Consulars, and going on to the Prætorians, &c. It was the practice originally, *to ask the Prince of the Senate the first*: but that was soon laid aside, and the compliment transferred to any other ancient Consular, distinguished by his integrity and superior abilities: till in the later ages of the Republic, it became an established custom, to pay that respect to relations, or particular friends, or to those, who were likely to give an opinion the most fa-

[g] Docet deinde, (Varro) immolare hostiam prius, auspicarique debere, qui Senatum habiturus esset: de rebus divinis prius quam humanis ad Senatum referendum esse. A. Gell. 14. 7.

avorable to their own views and sentiments on the quæstion proposed [b]. But whatever order the Consuls observed, in asking opinions, on the first of *January*, when they entered into their office, they generally pursued the same through the rest of the year. *J. Cæsar* indeed broke through this rule: for though he had asked *Crassus* the first, from the beginning of his Consulship, yet upon the marriage of his daughter with *Pompey*, he gave that priority to his Son-in-law; for which however he made an apology to the Senate [i].

L 4

This

[b] Singulo sautem debere consuli gradatim, incipique a Consulari gradu. ex quo gradu semper quidem antea primum rogari solitum, qui Princeps in Senatum lectus esset: tum novum morem institutum refert, per ambitionem gratiamque, ut is primus rogaretur, quem rogare vellet, qui haberet Senatum, dum is tamen ex gradu consulari esset. *ibid.*

[i] Ac post novam affinitatem, *Pompeium* primum rogare sententiam cœpit, (*J. Cæsar*) quum *Crassum* soleret: essetque consuetudo, ut quem ordinem interrogandi sententias Consul Kal. Jan. instituisset, eum toto anno conservaret. *Suet. J. Cæs. 21.*

Ejus

This honor, of being asked in an extraordinary manner, and preferably to all others of the same rank, though of superior age or nobility, seems to have been seldom carried farther, than to four or five distinguished persons of Consular dignity [*k*]; and the rest were afterwards asked according to their seniority: and this method, as I have said, was observed generally through the year, till the election of the future Consuls, which was commonly held about the month of *August*: from which time, it was the constant custom, to ask the opinions of *the Consuls elect* preferably to all

Ejus rei rationem reddidisse eum Senatui, Tiro Tullius, M. Ciceronis libertus, refert. A. Gell. 4. x.

[*k*] Scito igitur, primum me non esse rogatum sententiam: præpositumque esse nobis Pacificatorem Allobrogum: idque admurmurante Senatu, neque me invito, esse factum.—& ille secundus in dicendo locus habet auctoritatem pœne principis. tertius est Catulus: quartus (si etiam hoc quæris) Hortensius. Cic. ad Att. 1. 13.

C. Cæsar in Consulatu—quatuor solos extra ordinem sententiam rogasse dicitur. A. Gell. 4. x.

others,

others, 'till they entered into their office, on the first of *January* following [1].

As the Senators then were personally called upon to deliver their opinions, according to their rank, so none were allowed to speak, till it came to their turn, excepting the magistrates; who seem to have had a right of speaking on all occasions, whenever they thought fit; and for that reason perhaps were not particularly asked or

[1] Tum D. Junius Silanus, primus sententiam rogatus, quod eo tempore Consul designatus erat. [Sallust. Bell. Cat. 50.] Ego tamen sic nihil expecto, quomodo Paullum, Consulem designatum, primum sententiam dicentem. Cic. Ep. Fam. 8. 4. Vid. it. Phil. 5. 13.

As the Consuls elect had this preference given in speaking before all the Consulars, so the Prætors and Tribuns elect, seem to have had the same, before the rest of their particular orders: for in that famous debate upon the manner of punishing *Catiline's* accomplices, we find that *J. Cæsar*, then *Prætor elect*, was asked his opinion by the Consul, at the head of the Prætorians; and *M. Cato*, then *Tribun elect*, was asked likewise in his turn, at the head of the Tribunitians. Vid. Sallust. Bell. Cat. 51, 52. Cic. Ep. ad Att. l. 12, 21. it Pigh. Annal.

called

called upon by the Consuls. *Cicero* indeed on a certain occasion, says, *that he was asked the first of all the private Senators* [m]; which implies, that some of the magistrates had been asked before him: but they were then asked by a *Tribun of the people*, by whom that meeting of the Senate had been summoned, and who would naturally give that preference to the superior magistrates, who then happened to be present: but I have never observed, that a Consul asked any one the first, but a Consular Senator, or the Consuls elect.

Tho' every Senator was obliged to declare his opinion, when he was asked by the Consul, yet he was not confined to the single point then under debate, but might launch out into any other subject whatsoever, and harangue

[m] *Racilius surrexit, & de judiciis referre cœpit. Marcellinum quidem primum rogavit—postea de privatis me primum sententiam rogavit—Cic. ad Fra. 2. 1.*

upon it as long as he pleased [*n*]. And though he might deliver his opinion with all freedom, when it came to his turn, yet the Senate could not take any notice of it, nor enter into any debate upon it, unless it were espoused and proposed to them in form by some of the magistrates, who had the sole privilege of referring any question to a vote, or of dividing the house upon it [*o*]. Whenever any one spoke, he rose up from his seat, and stood

[*n*] *Licere Patribus, quoties jus sententiæ dicendæ accepissent, quæ vellent expromere, relationemque in ea postulare. Tacit. Ann. 13. 49.*

Erat jus Senatori, ut sententiam rogatus, diceret ante quicquid vellet aliæ rei, & quoad vellet. *A. Gell. 4. x.*

[*o*] *Huic assentiuntur reliqui Consulares, præter Servilium—& Volcatium, qui, Lupo referente, Pompeio decernit. Cic. Ep. Fam. 1. 1, 2.*

From these two epistles it appears, that *Volcatius's* opinion in favor of *Pompey*, was not referred to the Senate by *Volcatius* himself, who was then a private Senator, but by *Lupus*, then Tribun of the people, in order to divide the house upon it. For a private Senator, as *Tacitus* intimates above, could onely, *relationem postulare*, that is, demand to have it referred to a vote by some of the magistrates.

while

while he was speaking; but when he assented onely to another's opinion, he continued sitting [*p*].

Several different motions might be made, and different quæstions be referred to the Senate by different magistrates, in the same meeting [*q*]: and if any business of importance was expected or desired, which the Consuls had omitted to propose, or were unwilling to bring into debate, it was usual for the Senate, by a sort of general clamor, to call upon them to move it; and upon their refusal, the other magistrates had a right to propound it, even against their will [*r*].

If

[*p*] Racilius surrexit, &c. [Cic. ad Fra. 2. 1.] Postquam Cato assedit. [Sallust. Bell. Cat. 53. Cic. ad Att. 1. 14.] Quotiescunque aliquid est actum, sedens iis assensi, qui mihi lenissime sentire visi sunt. Cic. Ep. Fam. 5. 2.

[*q*] De Appia Via & de Moneta Consul; de Luperis Tribunus pleb. refert. Cic. Phil. 7. 1.

[*r*] Conclamatum deinde ex omni parte Curia est, uti referret P. Ælius Prætor. [Liv. 30. 21.] Flagitare Senatus institit Cornutum, ut referret statim de tuis litteris. Ille, se considerare velle. cum

ei

If any opinion, proposed to them, was thought too general, and to include several distinct articles, some of which might be approved, and others rejected, it was usual to require, that it might be divided, and sometimes by a general voice of the assembly, calling out, *divide, divide* [*s*]. Or if in the debate, several different opinions had been offered, and each supported by a number of Senators, the Consul, in the close of it, used to recite them all, that the Senate might pass a vote separately upon each: but in this, he gave what preference he thought fit, to that opinion which he most favored, and some-

ei magnum convicium fieret a cuncto Senatu, quinque Tribuni pl. retulerunt. [Cic. Ep. Fam. x. 16.] De quo legando spero Consules ad Senatum relatu-ros; qui si dubitabunt, aut gravabuntur, ego me profiteor relaturum. Cic. pr. Leg. Man. 19.

[*s*] Quod fieri in Senatu solet, faciendum ego in Philosophia etiam existimo; cum censeat aliquis quod ex parte mihi placeat, jubeo dividere sententiam. [Senec. Epist. 21.] Postulatum est, ut Bibuli sententia divideretur. Cic. Ep. Fam. 1. 2. Vid. Asc-on. in Orat. pr. Mil. 6.

times

times even suppressed such of them, as he wholly disapproved [*t*]. In cases however, where there appeared to be no difficulty or opposition, decrees were sometimes made, without any opinion being asked or delivered upon them [*v*].

When any quæstion, was put to the vote, it was determined always by a division or separation of the opposite parties, to different parts of the Senate house; the Consul or presiding magistrate having first given order for it in this form; *let those, who are of such an opinion, pass over to that side; those, who think differently, to this* [*x*]. What the majority of them approved, was

[*t*] Lentulus Consul, sententiam Calidii pronuntiatum se omnino negavit. Cæs. Comm. Bell. Civ. 429.

[*v*] Præclara tum oratio. M. Antonii—de qua ne sententias quidem diximus. Scriptum S. C. quod fieri vellet, attulit. Cic. Phil. 1. 1.

[*x*] Qui hoc censetis, illuc transite; quæ alia omnia, in hanc partem. [Fest. in Voc. Qui.] de tribus Legatis, frequentes ierunt. in alia omnia. Cic. Ep. Fam. 1. 2.

drawn up into a decree, which was generally conceived in words prepared and dictated by the first mover of the quæstion, or the principal speaker in favor of it; who, after he had spoken upon it, what he thought sufficient to recommend it to the Senate, used to conclude his speech, by summing up his opinion in the form of such a decree, as he desired to obtain in consequence of it [y]: which decree, when confirmed by the Senate, was always signed and attested by a number of Senators, who chose to attend through

[y] Thus *Cicero's Philippic* Orations, which were spoken at different times in the Senate, on points of the greatest importance, generally conclude with the form of such a decree, as he was recommending on each particular occasion; *Quæ cum ita sint*; or *Quas ob res, ita censeo*. Vid. *Philip.* 3, 5, 8, 9, x, 13, 14.

Cicero speaking of the decree, by which the accomplices of *Catiline* were condemned to suffer death, gives this reason why it was drawn in the name and words of *Cato*, tho' *Silanus*, the Consul elect, had delivered the same opinion before him; because *Cato* had spoken upon it more explicitly, fully, and strongly than *Silanus*. *Ep. ad Att.* 12. 21.

the whole proces of it, for the sake of adding their names to it, as a testimony of their particular approbation of the thing, as well as of respect to the person, by whose authority, or in whose favor it was drawn [z].

When the Senate appeared to be disposed and ready to pass a decree, it was in the power of any one of the ten Tribuns of the people, *to intercede*, as it was called ; that is, to quash it at once, by his bare negative, without assigning any reason [a]. The general law of these *intercessions* was, that any magistrate might inhibit the acts of his equal, or inferior [b] : but the
Tribuns

[z] Hæc enim Senatus consulta non ignoro ab amicissimis ejus, cujus de honore agitur, scribi solere. [Cic. Ep. Fam. 15. 6. it. 8. 8.] these subscriptions were called, S. C^{ti} auctoritates. *ibid.*

[a] Veto, was the solemn word used by the Tribuns, when they inhibited any decree of the Senate, or law proposed to the people. Faxo, ne juvet vox ista, Veto, qua nunc concinentes Collegas nostros tam læti auditis. Liv. 6. 37.

[b] Postea scripsit (Varro) de intercessionibus, dixitque intercedendi, ne Senatus consultum fieret,
jus

Tribuns had the sole prerogative, of controuling the acts of every other magistrate, yet could not be controuled themselves by any [c]. But in all cases, where the determinations of the Senate were overruled by the negative of a Tribun, of which there are numberless instances, if the Senate was unanimous, or generally inclined to the decree so inhibited, they usually passed a vote to the same purpose, and in the same words, which, instead of a decree, was called *an authority of the Senate*, and was entered into their journals [d], yet had no other force,

jus fuisse iis solis, qui eadem potestate, qua ii, qui S. C. facere vellent, majoreve essent. [A. Gell. 14. 7.] Ast ni potestas par majorve prohibesset, Senatus consulta perscripta servanto. Cic. de Leg. 3. 3.

[c] Οὐθεν γὰρ τῶν πραττομένων ὑπὸ τῆς ἀρχῆς ἐκείνης ἐπισχεῖν ἢ κωλύσαι τῶν ἄλλων τινὶ ἔξεσθιν, ἀλλ' ἐτέρῃ δημάρχῃ τῷτο ἐστὶ τὸ κράτος. Dionys. x. 31.

[d] De his rebus Senatus auctoritas gravissima intercessit : cui cum Cato & Caninius intercessissent, tamen est perscripta. [Cic. Ep. Farn. 1. 2.] Servilius Ahala—si quis intercedat Senatus consulto, se auctoritate fere contentum, dixit. Liv. 4. 57. Vid. Dio. 55. 550.

than to testify the judgement of the Senate on that particular quæstion, and to throw the odium of obstructing an usefull act, on the Tribun, who had hindered it. And in order to deter any magistrate, from acting so factiously and arbitrarily in affairs of importance, they often made it part of the decree, which they were going to enact, that if any one attempted to obstruct it, *he should be deemed to act against the interest of the Republic* [e]. Yet this clause had seldom any effect on the hardy Tribuns, who used to apply their negative in defiance of it, as freely, as on any other more indifferent occasion.

But the private Senators also, and especially the factious and leaders of parties, had several arts of obstructing

[e] Senatum existimare, neminem eorum, qui potestatem habent intercedendi—moram afferre oportere, quominus S. C. fieri possit. qui impedierit—eum Senatum existimare, contra Rempub. fecisse. Si quis huic S. C^o intercesserit, Senatui placere, auctoritatem perscribi. Cic. Ep. F. 8. 8. ad Att. 4. 2.

or postponing a decree, by many pretexts and impediments, which they could throw in it's way. Sometimes they alledged scruples of religion; *that the Auspices were not favorable, or not rightly taken*; which, if confirmed by the Augurs, put a stop to the business for that day [f]. At other times, they urged some pretended admonition from *the Sibylline books*, which were then to be consulted and interpreted to a sense, that served their purpose [g]. But the most common

[f] Recitatis litteris, oblata religio *Cornuto* est. Pullariorum admonitu, non satis diligenter eum auspiciis operam dedisse; idque a nostro Collegio esse comprobatum. itaque res dilata est in posterum. Ep. Fam. x. 12.

[g] Thus in a debate on the subject of replacing King *Ptolemy* on the throne of *Ægypt*; the Tribun *Cato*, who opposed it, produced some verses from the *Sibylline books*, by which they were warned, never to restore any King of *Ægypt* with an army; upon which the Senate laid hold on that pretext, and voted it dangerous to the Republic, to send the King home with an army. [Dio. 39. p. 98. Cic. ad Fra. 2. 2.] concerning which *Cicero*, in his account of it to *Lentulus*, says, *Senatus religionis calumniam non religione, sed malevolentia, & illius regis largitionis invidia comprobatur.* Cic. Ep. Fam. i. 1.

method was, *to waste the day*, by speaking for two or three hours successively, so as to leave no time to finish the affair in that meeting; of which we find many examples in the old writers: yet when some of the more turbulent magistrates were grossly abusing this right, against the general inclination of the assembly, the Senators were sometimes so impatient, as to silence them, as it were, by force, and to disturb them in such a manner, by their clamor and hissing, as to oblige them to desist [*b*].

It seems probable, that a certain number of Senators was required by law, as necessary to legitimate any act, and give force to a decree. For it was

[*b*] C. Cæsar Consul M. Catonem sententiam rogavit. Cato rem, quam consulebatur, quoniam non e Repub. videbatur, perfici nolebat. ejus rei gratia ducendæ, longa oratione utebatur, eximebatque dicendo diem. A. Gell. 4. x.

Cum ad Clodium ventum est, cupiit diem consumere: neque ei finis est factus: sed tamen cum horas tres fere dixisset, odio & strepitu Senatus, coactus est aliquando perorare. Cic. ad Att. 4. 2.

objected

objected sometimes to the Consuls, that they had procured decrees *surreptitiously, and by stealth as it were, from an house not sufficiently full* [i]: and we find business also postponed by the Senate, for the want of *a competent number* [k]: so that when any Senator, in a thin house, had a mind to put a stop to their proceedings, he used to call out to the Consul, *to number the Senate* [l]. Yet there is no certain number specified by any of the old writers, except in one or two particular cases. For example; when the *Bacchanalian* rites were prohibited in

[i] Neque his contentus Consul fuit. Sed postea per infrequentiam furtim Senatus consulto adjecit &c. [Liv. 38. 44.] Qui per infrequentiam furtim Senatus consultum ad ærarium detulit. Liv. 39. 4.

[k] In Kalendas rejecta re, ne frequentiam quidem efficere potuerunt. Cic. Ep. Fam. 8. 3. it. 8. 5.

[l] *Numera Senatum*, ait quivis Senator Consuli, cum impedimento vult esse, quo minus faciat S. C. Fest. in Voc. Numera.

Renuntiatum nobis erat, *Hirrum* diutius dicturum, prendimus eum, non modo non fecit, sed cum de hostibus ageretur, & posset rem impedire, si, *ut numeraretur*, postularet, tacuit. Cic. Ep. Fam. 8. xi.

Rome, it was decreed, that no one should be permitted to use them, without a special licence granted for that purpose by the Senate, when *an hundred members* were present [*m*]: and this perhaps was the proper number required at that time in all cases, when the Senate consisted of *three hundred*. But about a century after, when it's number was increased to *five hundred*, *C. Cornelius*, a Tribun of the people, procured a law, that the Senate should not have a power of *absolving any one from the obligation of the laws*, unless *two hundred* Senators were present [*n*].

The decrees of the Senate were usually published, and openly read to the people, soon after they were pass-

[*m*] Quum in Senatu centum non minus adessent. Liv. 39. 18.

[*n*] Diximus—Cornelium primo legem promulgasse, nequis per Senatum lege solveretur: deinde tulisse, ut tum denique de ea re S. C. fieret, cum adessent in Senatu non minus C. C.

Ascon. in Orat. pr. Cornel. 1.

ed ; and an authentic copy of them was always deposited in the public treasury of the city, or otherwise they were not considered as legal or valid [o]. When the business of the day was finished, the Consul, or other magistrate, by whom the Senate had been called together, used to dismiss them with these words, *Fathers, I have no farther occasion to detain you ; or, nobody detains you* [p].

S E C T. VI.

Of the force or effect of the decrees of the Senate.

AS to the force of these decrees, it is difficult to define precisely,

[o] *Senatus consulta nunquam facta ad ærarium (ab Antonio) referebantur.* [Cic. Phil. 5. 4.] Igitur factum S. C. ne decreta Patrum ante diem decimum ad ærarium deferrentur. Tacit. Ann. 3. 51.

[p] *Neque unquam recessit de Curia, nisi Consul dixisset, nihil vos moramur, Patres conscripti.* [Capitolin. de M. Aurel.] Tum ille, se Senatum negavit tenere. Cic. ad Fra. 2. 1.

what it was. It is certain, that they were not considered as laws, but seem to have been designed originally, as the ground work or preparatory step to a law, with a sort of provisional force, till a law of the same tenor should be enacted in form by the people ; for in all ages of the Republic no law was ever made, but by the general suffrage of the people. The decrees of the Senate related chiefly to the executive part of the government ; to the assignment of provinces to their magistrates ; and of stipends to their generals, with the number of their soldiers ; and to all occasional and incidental matters, that were not provided for by the laws, and required some present regulation : so that for the most part, they were but of a temporary nature, nor of force any longer, than the particular occasions subsisted, to which they had been applied.

But though they were not, strictly speaking, laws ; yet they were understood

stood always to have a binding force ; and were generally obeyed and submitted to by all orders, till they were annulled by some other decree, or overruled by some law. Yet this deference to them, as I have signified above, was owing rather to custom, and a general reverence of the city for the authority of that supreme council, than to any real obligation derived from the constitution of the government. For in the early ages, upon a dispute concerning a particular decree, we find the Consuls, who were charged with the execution of it, refusing to enforce it, because it was made by their predecessors, alledging, *that the decrees of the Senate continued onely in force for one year ;* or during the magistracy of those, by whom they were made [q]. And *Cicero* likewise, when it served the cause of a client,

[q] Καὶ ἅμα εἰδὲ ἔιναι νόμος εἰς αἰὲν κυρίως, ἃ ψηφίζεσθαι τὸ συνέδριον, ἀλλὰ πολίτευμα καὶ χρόνὸν ἐνιάυστιον ἔχοντα ἰσχύν. *Dionys.* 9. 37.

whom

whom he was defending, to treat a decree of the Senate with slight, declared it to be of no effect, *because it had never been offered to the people, to be enacted into a law* [r]. In both which cases, though the Consuls and *Cicero* said nothing, but what was agreeable to the nature of the thing, yet they said it perhaps more strongly and peremptorily, than they would otherwise have done, for the sake of a private interest; the Consuls, to save themselves the trouble of executing a disagreeable act; and *Cicero*, to do a present service to a client, who was in great danger and distress. But on all occasions indeed, the principal magistrates, both at home and abroad, seem to have paid more or less respect to the decrees of the Senate, as it happened to serve their particular interest, or inclination, or the party, which they

[r] Cic. pr. Cluentio. 49.

espoused in the state [s]. But in the last age of the Republic, when the usurped powers of some of it's chiefs had placed them above the controul of every custom or law, that obstructed their ambitious views, we find the decrees of the Senate treated by them, and by all their creatures, with the utmost contempt [t]; whilst they had a bribed and corrupted populace at their command, ready to grant them every thing, that they desired, till they had utterly oppressed the public liberty.

[s] *Cicero* recommending the affairs of *Cærellia* to *P. Servilius*, when he was governor of *Asia*, puts him in mind, that there was a decree of the Senate subsisting, which was favorable to her interest, and that he knew *Servilius* to be one of those, who paid great regard to the authority of the Senate. Ep. Fam. 13. 72.

[t] Habet orationem talem Consul, (Gabinus) qualem nunquam Catilina victor habuisset. errare homines, si etiam tum Senatum aliquid in Repub. posse, arbitrarentur. Cic. pr. Sext. 12.

S E C T. VII.

Of the peculiar dignity, honors, and ornaments of a Roman Senator.

IT is natural to imagine, that the members of this supreme council, which held the reins of so mighty an empire, and regulated all it's transactions with foreign states, and which in it's *florishing condition*, as *Cicero* says, *presided over the whole earth* [v], must have been considered every where as persons of the first eminence, which the world was then acquainted with. And we find accordingly, that many of them had even *Kings, cities, and whole nations*, under their particular patronage [x]. *Cicero* reciting the advantages of a Senator, above the other orders

[v] Qui quondam florens Orbi terrarum præsedebat. Phil. 2. 7.

[x] In ejus magistratus tutela Reges atque extræ gentes semper fuerunt. [pr. Sext. 30.] Duæ maximæ

orders of the city, says, that he had
*authority and splendor at home ; fame
 and interest, in countries abroad [y] :*
 and on another occasion, “ what city
 “ is there, says he, not onely in our
 “ provinces, but in the remotest parts
 “ of the earth, ever so powerfull and
 “ free, or ever so rude and barba-
 “ rous ; or what King is there, who
 “ is not glad to invite and entertain
 “ a Senator of the Roman people in
 “ his house [z] ? ”

It was from this order alone, that
 all embassadors were chosen and sent
 to foreign states : and when they had

maximæ Clientelæ tuæ, [Catonis] Cyprus Insula, &
 Cappadociæ regnum, tecum de me loquentur : pu-
 to etiam Regem Deiotarum, qui tibi uni est maxime
 necessarius. [Cic. Ep. Fam. 15. 4.] Adfunt Segesta-
 ni, Clientes tui. (P. Scipionis) [In Verr. 4. 36.]
 Marcelli, Siculorum Patroni. ib. 41.

[y] Auctoritas, domi splendor ; apud exteras na-
 tiones, nomen & gratia. pr. Cluen. 56.

[z] Ecquæ civitas est, non in provinciis nostris,
 verum in ultimis nationibus, aut tam potens, aut
 tam libera, aut etiam tam immanis ac barbara : Rex
 denique ecquis est, qui Senatorem populi Romani
 tecto ac domo non invitet ? Cic. in Verr. 4. xi.

occasion

occasion to travel abroad, even on their private affairs, they usually obtained from the Senate the privilege of a *free legation*, as it was called ; which gave them a right to be treated every where with the honors of an embassador, and to be furnished on the road with a certain proportion of provisions and necessaries for themselves and their attendants [*a*] : and as long as they resided in the Roman provinces, the governors used to assign them a number of *lictors* or mace-bearers, to march before them in state, as before the magistrates in *Rome* [*b*]. And if they had any law suit or cause of property depending in those provinces, they

[*a*] Placitum est mihi, ut postularem legationem liberam mihi reliquisque nostris, ut aliqua causa proficiscendi honesta quæreretur. Cic. Ep. Fam. xi. 1. it. vid. Att. 15. xi. C. Anicius—negotiorum suorum causa, legatus est in Africam, legatione libera. Cic. Ep. Fam. 12. 21. Suet. in Tiber. 31.

[*b*] Idque a te peto, quod ipse in provincia facere sum solitus, non rogatus, ut omnibus Senatoribus Lictores darem. quod idem acceperam & cognoveram a summis viris factitatum. Cic. Ep. Fam. 12. 21.

seem

seem to have had a right to require it to be remitted to *Rome* [c].

At home likewise they were distinguished by peculiar honors and privileges: for at the public shews and plays, they had particular seats set apart and appropriated to them in the most commodious part of the theater [d]: and on all solemn festivals, when

[c] *Illud præterea—feceris mihi pergratum—si eos, quum cum Senatore res est, Romam rejeceris.* ib. 13. 26.

[d] *Lentulus, Popillium, quod erat libertini filius in Senatum non legit. locum quidem Senatorium ludis, & cetera ornamenta reliquit.* Cic. pr. Clu. 47. vid. it. Plutar. in Flaminin. p. 380. A.

But in the shews and games of the *Circus* they used to sit promiscuously with the other citizens, till the emperor *Claudius* assigned them peculiar seats there also. Suet. in Claud. 21.

The place where the Senators sat in the theaters was called the *Orchestra*, which was below all the steps or common benches of the theaters, and on a level with that part of the stage, on which the Pantomimes performed. vid. Suet. Aug. 35. & in J. Cæs. 39.

*Æquales illic habitus, similesque videbis
Orchestram & populum.*— Juven. Sat. 3. 177.

In Orchestra autem Senatorum sunt sedibus loca destinata. Vitruv. l. 5. c. 6.

sacrifices

sacrifices were offered to *Jupiter* by the magistrates, they had the sole right of *feasting publicly in the capitol*, in habits of ceremony, or such, as were proper to the offices, which they had born in the city [*e*].

They were distinguished also from all the other citizens by the ornaments of their ordinary dress and habit, especially by their *vest or tunic*, and the fashion of their shoes; of which the old writers make frequent mention. The peculiar ornament of their *tunic* was the *latus clavus*, as it was called, being *a broad stripe of purple*, sewed upon the forepart of it, and running down the middle of the breast, which was the proper distinction between them and the Knights, who wore a

[*e*] Quosdam (Senatores) ad excusandi se verecundiam compulit: servavitque etiam excusantibus insigne vestis, & spectandi in Orchestra, epulandique publice jus. [Suet. Aug. 35.] Ea similtas quum diu mansisset. & solemnī die Jovi libaretur, atque ob id sacrificium Senatus in Capitolio epularetur. A. Gell. 12. 8. Dio. 55. 554. C.

much narrower stripe of the same color, and in the same manner [*f*]. The fashion also of their shoes was peculiar, and different from that of the rest of the city. *Cicero* speaking of one *Asinius*, who, in the general confusion, occasioned by *J. Cæsar's* death, had intruded himself into the Senate, says, *that seeing the Senate house open after Cæsar's death, he changed his shoes, and became a Senator at once* [*g*]. This difference appeared in the

N

color,

[*f*] Galli braccas deposuerunt, latum clavum sumptuerunt. [Suet. J. Cæs. 80.] Anuli distinxere ordinem Equestrem a plebe—sicut tunica ab anulis Senatum—quamquam & hoc fero, vulgoque purpura latiore tunicæ usos etiam invenimus Præcones. Plin. Hist. 33. 1.

Quid confert purpura major

Optandum?— Juv. Sat. 1. 106.

Namque ut quisque infans nigris medium impedit
crus

Pellibus & latum demisit pectore clavum.

Hor. S. 1. 6. 28.

Paterculus de Mæcenate, vixit angusto clavo contentus, l. 2. 88.

[*g*] Est etiam *Asinius* quidam Senator voluntarius, lectus ipse a se. apertam Curiam vidit post *Cæsar*

faris

color, shape, and ornament of the shoes. The color of them was *black*, while others wore them of any color perhaps, agreeably to their several fancies. The form of them was somewhat like to a short boot, reaching up *to the middle of the leg*, as they are sometimes seen in ancient statues and bas-reliefs: and the proper ornament of them was, the figure of an *half moon* sewed or fastened upon the forepart of them near the ancles [*b*]. *Plutarch*, in his Roman questions, proposes several reasons of this emblematical figure [*i*]: yet other writers say, that it had no relation to the moon, as its shape seemed to indicate, but was designed to express the letter C, as the

faris necem. mutavit calceos: pater conscriptus repente est factus. Cic. Phil. 13. 13.

[*b*] Adpositam nigræ lunam subtexit alutæ.

Juv. 7. 192.

nigris medium impediit orus

Pellibus——

Hor. supr.

[*i*] Quæst. Roman. 75.

numeral

numeral mark of *an hundred*, to denote the original number of the Senate, when it was first instituted by *Romulus* [k].

As to the gown, or upper robe of the Senators; I have not observed it to be described any where, as differing from that of the other citizens; except of such of them onely, as were actual magistrates of the city, as the *Consuls, Prætors, Ædiles, Tribuns, &c.* who, during the year of their magistracy, always wore the *Prætecta*, or a gown bordered round with a stripe of purple [l]: in which habit also, as I have signified above, all the rest

[k] Zonar. 11. Isidor. 19. 34.

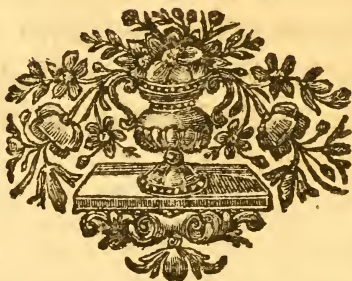
[l] Cum vos vestem mutandam censuissetis, cunctique mutassent, ille (Consul Gabinius) unguentis oblitus, cum *toga prætexta*, quam omnes Prætores, Ædilesque abjecerant, irrisit squalorem meum. Cic. post. red. in Sen. 5.

Quod Tribuni plebis prætextam quoque gestare solerent, a Cicerone indicatum est, qui Quintii Tribuni pl. *purpuram usque ad talos demissam irridet*. [pr. Cluen. 40.] quam quidem purpuram *Quintilianus*, de eodem *Quintio* loquens, *Prætectam* appellat. l. 5. 13. p. 275. Ed. Oxon.

of the Senate, who had already born those offices, used to assist at the public festivals and solemnities [*m*].

[*m*] Nescis heri quantum in Circo diem Ludorum Romanorum fuisse? te autem ipsum ad populum tulisse, ut quintus præterea dies Cæsari tribueretur? cur non sumus prætextati? Cic. Phil. 2. 43.

Prætorio licet prætexta toga uti, Festis aut Solennibus diebus. Senec. Controv. l. 1. 8.



A P P E N D I X.

TO this description of the Roman Senate, I have subjoined here, by way of Appendix, an extract or two, from *Cicero's* letters and orations, which give a distinct account of some particular debates, and the intire transactions of several different days; and will illustrate and exemplify, what has been said above, concerning the method of their proceedings.

M. CICERO to his brother QUINTUS.

Lib. ii. 1.

“ **T**HE Senate was fuller, than
 “ I thought it possible to have
 “ been, in the month of *December*,
 “ when the holydays were coming on
 “ [n]. There were present, of us
 “ Consulars, besides the two Consuls
 “ elect, *P. Servilius*, *M. Lucullus*,
 “ *Lepidus*, *Volcatius*, *Glabrio*. All
 “ the Prætors. We were really full :
 “ two hundred at least in all. *Lupus*
 “ had raised an expectation. He spoke
 “ indeed exceedingly well on the af-
 “ fair of the *Campanian lands* [o]:
 “ was

[n] These holydays were the *Saturnalia*, sacred to Saturn, which lasted, as some say, five, or as others, seven days. But the two last were an addition to the ancient festival, and called *Sigillaria*.

Et jam Saturni quinque fuere dies. Mart. 4. 89.
 Saturni septem venerat ante dies. Id. 14. 7.

[o] *P. Rutilius Lupus* was one of the new Tribuns of the people, just entered into his office on the
 the

“ was heard with great silence. You
 “ know the nature of the subject. He
 “ ran over all my acts, without omit-
 “ ting one. There were some stings
 “ on *C. Cæsar*, abuses on *Gellius*, ex-
 “ postulations with *Pompey*, in his
 “ absence. He did not conclude till
 “ it was late : and then declared, that
 “ he would not ask our opinions, lest
 “ he might expose us to the incon-
 “ venience of any man’s resentment
 “ [*p*] : that from the reproaches, with
 “ which that affair had been treated
 “ before, and from the silence, with

the 10th of *December*, A. U. 696, by whose authority this meeting of the Senate appears to have been summoned, in order to reconsider the affair of the *Campanian lands*, and to repeal the law, which *J. Cæsar* had procured from the people about three years before, for a division of those lands to the poorer citizens ; to the great disgust of the Senate, and all the honest part of the city. See *Life of Cic.* Vol. 1. p. 294, 428.

[*p*] The repeal of this law would have been greatly resented by *J. Cæsar*, who was now commanding in *Gaul* : and more immediately by *Pompey*, who was now united with him in the league of the Triumvirate, and engaged to support all his interests in *Rome*.

“ which he was now heard, he un-
 “ derstood, what was the sense of the
 “ Senate: and so was going to dis-
 “ miss us. Upon which *Marcellinus*
 “ said, You must not judge from our
 “ silence, *Lupus*, what it is, that we
 “ approve or disapprove on this oc-
 “ casion: for as to myself, (and the
 “ rest, I believe, are of the same mind)
 “ I am silent upon it for this reason,
 “ because I do not think it proper,
 “ that the case of the *Campanian*
 “ lands should be debated in *Pompey’s*
 “ absence [*q*]. Then *Lupus* said, that
 “ he detained the Senate no longer.
 “ But *Racilius* rose up, and began to
 “ move the business of the trials [*r*]:
 “ and

[*q*] *Pompey* was now in *Sardinia*, providing stores of corn for the use of the city, where there was a great scarcity: which commission had been decreed to him by the Senate at *Cicero’s* motion. See *Life of Cic.* Vol. I. p. 407.

[*r*] *T. Annius Milo*, one of the late Tribuns, whose office was just expired, had impeached *Clodius* in form, for the violences committed by him in the city, but *Clodius*, by faction and the help of
 the

“ and asked *Marcellinus* the first [*s*].
 “ Who, after heavy complaints on
 “ the burnings, murthers, stonings
 “ committed by *Clodius*, delivered his
 “ opinion ; that he himself, with the
 “ assistance of the Prætor of the ci-
 “ ty, should make an allotment of
 “ judges, and when that allotment
 “ was made, that then the assemblies
 “ of the people should be held for the
 “ elections. That if any one should
 “ obstruct the trials, he should be
 “ deemed to act against the interest
 “ of the Republic. This opinion was
 “ greatly applauded : *C. Cato* spoke

the Consul *Metellus*, found means to retard and evade any trial ; and to screen himself from that danger, was suing for the *Ædileship* of the next year. *Milo* therefore, on his side, contrived by his *Tribunitian* power, to obstruct any election, till *Clodius* should be brought to a trial. This was the present state of the affair, and the point in debate was, whether the trials or the elections should be held the first.

[*s*] *Cn. Cornelius Lentulus Marcellinus* was now Consul elect, and *L. Marcius Philippus*, mentioned below, was his Collegue, who were to enter into office on the first of *January*.

“ against

“ against it: and *Cassius* also, but with
 “ a great clamor of the Senate, when
 “ he declared himself for the assem-
 “ blies, preferably to the trials. *Phi-*
 “ *lippus* assented to *Lentulus*’s opi-
 “ nion. *Racilius* afterwards asked me
 “ the first of the private Senators. I
 “ spoke long, on all the madness and
 “ violences of *P. Clodius*, and accused
 “ him, as if he had been a criminal
 “ at the bar, with many and favora-
 “ ble murmurings of the whole Se-
 “ nate. *Vetus Antistius* said much
 “ in praise of my speech, nor indeed
 “ without some eloquence [*t*]. He
 “ espoused the cause of the trials, and
 “ declared, that he would have them
 “ brought on the first. The house
 “ was going into that opinion: when
 “ *Clodius* being asked [*v*], began to

[*t*] *Racilius*, *C. Cato*, *Cassius*, *Antistius*, the chief speakers in this debate, were all Tribuns of the people, and Collegues of *Lupus*.

[*v*] He was asked probably by one of the Tribuns, *Cato* or *Cassius*, who were on the same side of the question with him.

“ wast

“ wast the day in speaking. He rav-
“ ed, at his being so abusively and
“ roughly treated by *Racilius*, when
“ on a sudden, his mercenaries with-
“ out doors raised an extraordinary
“ clamor, from the Greek station and
“ the steps, incited, I suppose, against
“ *Q. Sextilius* and the friends of *Mi-*
“ *lo*. Upon this alarm, we broke up
“ instantly in great disgust. You have
“ the acts of one day: the rest, I
“ guess, will be put off to the month
“ of *January*.

M. TULLIUS CICERO, to P. LENTULUS,
Proconsul.

Ep. Fam. i. 2.

“ **N**OTHING was done in the
 “ Senate, on the *Ides of Ja-*
 “ *nuary*: because a great part of the
 “ day was spent in an altercation, be-
 “ tween *Lentulus*, the Consul, and
 “ *Caninius*, Tribun of the people. I
 “ spoke much also myself on that day,
 “ and seemed to make a great im-
 “ pression on the Senate, by remind-
 “ ing them of your affection to their
 “ order. The day following there-
 “ fore it was resolved, that we should
 “ deliver our opinions in short [*x*].
 “ For

[*x*] This letter was written about a month after the former; soon after *Cn. Lentulus Marcellinus* and *L. Marcius Philippus* had entered upon the Consulship. The question under debate was, in what manner they should restore King *Ptolemy* to the throne of *Ægypt*, from which he had been driven by his subjects. *P. Lentulus Spinther*, to whom this letter is

“ For the inclination of the Senate
 “ appeared to be turned again in our
 “ favor : which I clearly saw, as well
 “ by the effect of my speaking, as by
 “ applying to them singly, and asking
 “ their opinions. Wherefore when
 “ *Bibulus*’s opinion was declared the
 “ first ; that three embassadors should
 “ carry back the King : *Hortensius*’s
 “ the second ; that you should carry
 “ him without an army : *Volcatius*’s
 “ the third ; that *Pompey* should car-
 “ ry him back : it was demanded, that
 “ *Bibulus*’s opinion should be divided.
 “ As to what he said, concerning the
 “ scruple of religion [y], to which no
 “ oppo-

is addressed, who had been Consul the year before,
 and was now Proconsul of *Cilicia*, was very desirous
 to be charged with the commission of restoring the
 King : *Cicero* was warmly in his interest, and *Pompey*
 pretended to be so too : yet all *Pompey*’s friends
 were openly soliciting the commission for *Pompey*.

[y] When this affair was first moved in the Se-
 nate, they seemed to be generally inclined to grant
 the commission to *Lentulus* ; and actually passed a
 decree in his favor : yet many of them afterwards,
 either out of envy to *Lentulus*, or a desire of paying
 their

“ opposition could then be made, it
 “ was agreed to by all : but as to the
 “ three embassadors, there was a great
 “ majority against it. *Hortensius*’s o-
 “ pinion was next : when *Lupus*, Tri-
 “ bun of the people, because he had
 “ made the motion in favor of *Pom-*
 “ *pey*, began to insist, that it was his
 “ right to divide the house upon it,
 “ before

their court to *Pompey*, or a dislike to the design it
 self, of restoring the King at all, contrived several
 pretexts to obstruct the effect of it : and above all,
 by producing certain verses from the *Sibylline* books,
 forewarning the Roman people, *never to restore any*
King of Ægypt with an army. *Bibulus*’s opinion re-
 lated to these verses, and upon their authority, de-
 clared it dangerous to the Republic, to send the
 King home with an army : and though this pretext
 was so silly in itself, and known to be so by all
 those, who made use of it, yet the superstition of
 the populace, and their reverence for the *Sibyl*’s au-
 thority was so great, that no opposition could be
 made to it. The Senate embraced it therefore, as
Cicero says, not from any scruple of religion, but
 malevolence to *Lentulus*, and the envy and disgust,
 which the scandalous bribery, practised by the King,
 had raised against him. See Ep. 1.

“ before the Consuls [z]. There was
 “ a great and general outcry against
 “ his speech ; for it was both unrea-
 “ sonable and unprecedented. The
 “ Consuls neither allowed, nor great-
 “ ly opposed it : they had a mind,
 “ that the day should be wasted :
 “ which was done accordingly. For
 “ they saw a great majority, ready
 “ to go into *Hortensius*’s opinion, yet
 “ seemed outwardly to favor *Volca-*
 “ *tius*’s. Many were asked, and a-
 “ gainst the will of the Consuls. For
 “ they were desirous, that *Bibulus*’s
 “ opinion should take place. This

[z] The opinion delivered in this debate in favor of *Pompey*, was first proposed by *Volcatius*, a Consular Senator ; yet was espoused afterwards by *Lupus*, Tribun of the people, and referred, or moved by him in form to the Senate, in order to be put to a vote, which was the peculiar right of the magistrates. But as to his dispute with the Consul about a priority in dividing the house, it seems to have been started by him with no other view, but to waste the day, as the Consuls also desired to do, in a fruitless altercation, so as to prevent *Hortensius*’s opinion, which seemed likely to prevail, from being brought into debate.

“ dispute being kept up till night, the
 “ Senate was dismissed, &c.

In one of *Cælius's* letters to *Cicero*, we find the following decrees of the Senate transcribed in proper form, and sent with the other news of the city to *Cicero*, when Proconsul of *Cilicia*.

“ The authority of the decree of
 “ the Senate. On the 30th of *September*, in the temple of *Apollo*,
 “ there were present at the engross-
 “ ing of it, *L. Domitius*, the son of
 “ *Cn. Abenobarbus*; *Q. Cæcilius*, the
 “ son of *Q. Metellus Pius Scipio*; *L.*
 “ *Villius*, the son of *Lucius Anna-*
 “ *lis*, of the *Pomptine* tribe: *C. Sep-*
 “ *timius*, the son of *Titus*; of the
 “ *Quirine* tribe: *C. Lucceius*, the son
 “ of *C. Hirrus*; of the *Pupinian*
 “ tribe: *C. Scribonius*, the son of *C.*
 “ *Curio*; of the *Popillian* tribe: *L.*
 “ *Atteius*, the son of *L. Capito*; of
 “ the *Aniensian* tribe: *M. Oppius*,
 “ the son of *Marcus*, of the *Terentine*
 “ tribe.

“ tribe. Whereas *M. Marcellus*, the
“ Consul, proposed the affair of the
“ Consular provinces, his opinion up-
“ on it was this; that *L. Paullus* and
“ *C. Marcellus*, Consuls elect, should
“ after their entrance into their ma-
“ gistracy, refer the case of the Con-
“ sular provinces to the Senate, on the
“ first of *March*, which was to be in
“ their magistracy: and that no other
“ business should be moved by the
“ Consuls on that day before it, nor
“ any jointly with it: and that for
“ the sake of this affair, they might
“ hold the Senate, and make a decree
“ on the *Comitial* days: and when-
“ ever it should be brought before the
“ Senate, they might call away from
“ the bench any of the three hundred,
“ who were then judges: and if it
“ was necessary, that any thing should
“ be enacted about it by the people
“ or the Commons, that *Serv. Sulpi-*
“ *cious* and *M. Marcellus*, the Consuls,

“ the Prætors, the Tribuns, or any of
 “ them, who thought fit, should lay
 “ it before the people or the Com-
 “ mons: and whatever they omitted
 “ to refer to the people or the Com-
 “ mons, that the succeeding magistrates
 “ should refer it.

In *Cicero's* first *Philippic* also, in which he is reciting all their late transactions in the Senate, from the time of *Cæsar's* death, there is this passage.
 “ On that day, in which we were sum-
 “ moned to the temple of *Tellus*, I
 “ there laid a foundation of peace, as
 “ far as it was in my power, and re-
 “ newed the old example of the *Athe-*
 “ *nians*, and made use of the same
 “ *Greek word*, which that city then
 “ used, in calming their civil dissen-
 “ tions [*a*]: and gave my opinion,
 “ that all remembrance of our late dif-

[*a*] The Greek word, ἀμνηστία, amnesty.

“ cords should be buried in eternal
 “ oblivion. *Antony's* speech on that
 “ occasion was excellent * * *. He
 “ abolished for ever out of the Re-
 “ public, the office of a Dictator, which
 “ had usurped all the force of regal
 “ power. Upon which we did not so
 “ much as deliver our opinions. He
 “ brought with him in writing the
 “ decree, which he was desirous to
 “ have us make upon it: which was
 “ no sooner read, than we followed
 “ his authority with the utmost zeal;
 “ and gave him thanks for it by a-
 “ nother decree in the amplest terms
 “ [b].

But on another occasion, in his *third Philippic*, he reproaches *Antony* for decreeing a supplication or public thanksgiving to *M. Lepidus*, by a division only, or vote of the Senate, without asking any one's opinion upon it: which, in that case of a supplication, had never

[b] Phil. I. I.

ver been done before [c]. For it was thought a mark of greater respect to the General, in whose honor it was granted, to give his friends an opportunity of displaying his particular praises and services, in their speeches on such occasions.

[c] *Fugero festinans, Senatus consultum de supplicatione per discessionem fecit: cum id factum esset antea nunquam. Phil. 3. 9.*

That the opinions of the particular Senators used to be asked, in the case of decreeing supplications, appears from Cic. Ep. Fam. 8. xi.



F I N I S.







